

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
FEBRUARY 14, 2017**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM JANUARY 10, 2017

III. STAFF COMMENTS AND PROCEDURES

1. Arkansas Colleges of Health Education Master Plan
2. Rezoning #2-2-17; A request by Mitchell Minnick for a zone change from Residential Multifamily Medium Density (RM-3) to Residential Single Family Rowhouse and Zero Lot Line (RS-5) by Classification located at 3716 Newlon Road.
3. A request by Ron Brixey, agent for Commercial Properties Brokerage, LLC, for an amendment to the Master Land Use Plan from Residential Attached/General Commercial to General Commercial located at 3625 South 91st Street. (companion item to item #4)
4. A request by Ron Brixey, agent for Commercial Properties Brokerage, LLC, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District by Classification located at 3625 South 91st Street. (companion item to item #3)
5. UDO Amendment to allow a *pharmacy or drugstore* in Industrial zones.
6. Conditional Use #3-2-17; A request by Hoa Tran for a conditional use for a convention/events center located at 4000 North "O" Street.

7. Conditional Use #4-2-17; A request by Julio Aldana, agent for Vasiliki Investments, for a conditional use for a church located at 2716 Towson Avenue.

RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT

8. Variance #7-2-17; A request by Steven Beam for the following variances located at 7201 South 28th Street.
 - 1) From 20 feet to 5 feet interior side yard setback
 - 2) From 20 feet to 0 feet rear yard setback
 - 3) From 20 feet to 10 feet interior side yard setback
9. Variance #5-2-17; A request by Tim Risley, agent for Didion Enterprises, for a variance for driveway separation from 2 existing driveways from 200 feet to 182 feet located at 4731 Zero Street.
10. Variance #6-2-17; A request by George Parvu for a variance from 5.0 feet to 1.6 feet interior side yard setback located at 3220 Russell Street.
11. Mobile Food Truck Lottery

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JANUARY 10, 2017**

On roll call, the following Commissioners were present: Talicia Richardson, Josh Carson, Bob Cooper, Jr., Sarah Howe, Rett Howard, Vicki Newton and Marshall Sharpe. Commissioners Joshua Kilgore and Don Keese were absent.

Chairman Sharpe then called for the vote on the December 13, 2016, Planning Commission meeting. The minutes were unanimously approved as written.

Mr. Wally Bailey spoke on the procedures.

- 1. Conditional Use #1-1-17; A request by Harvey Leffring, agent for Methodist Village, Inc. for a conditional use for the construction of a new 45 bed assisted living facility on the existing campus located at 7811 Euper Lane. (companion item to item #2)**
- 2. Variance #2-1-17; A request by Harvey Leffring, agent for Methodist Village, Inc. for a variance from 40,000 to 49,297 maximum building size and from perimeter landscaping/parking lot screening located at 7811 Euper Lane. (companion item to item #1)**

Ms. Brenda Andrews read the staff report indicating that the purpose of these requests is to allow for a 49,297 square foot two story 45 bed assisted living facility which would involve the demolition of four existing buildings that total 34,651 square feet.

Mr. Harvey Leffring was present to speak on behalf of these requests.

Mr. Glenn Yaffee, 1900 St. Francis Crest, was present to voice his opposition relative to the height of the building and all future buildings.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these requests.

- 1. Conditional Use #1-1-17; A request by Harvey Leffring, agent for Methodist Village, Inc., for a conditional use for the construction of a new 45 bed assisted living facility on the existing campus located at 7811 Euper Lane. (companion item to item #2)**

Chairman Sharpe called for the vote on the conditional use request. Motion was made seconded and carried to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The proposed assisted living facility shall be limited to two stories as shown in the development plan.

Chairman Sharpe then called for the vote on the conditional use as amended. The vote was 6 in favor and 1 abstention (Carson).

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

- 2. Variance #2-1-17; A request by Harvey Leffring, agent for Methodist Village, Inc. for a variance from 40,000 to 49,297 maximum building size and from perimeter landscaping/parking lot screening located at 7811 Euper Lane. (companion item to item #1)**

Chairman Sharpe called for the vote on the variance request. Motion was made seconded and carried to amend this request to make approval subject to the following:

- The project shall include the demolition of four existing buildings that total approximately 34,651 square feet.
- The proposed assisted living facility shall be limited to two stories as shown on the development plan.
- The natural landscape buffer along Euper Lane shall not be removed.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 5 in favor, 1 opposed (Howard) and 1 abstention (Carson).

RECESS BOARD OF ZONING ADJUSTMENT RECONVENE PLANNING COMMISSION

- 3. A request by Stuart Ghan for a Master Land Use Plan Amendment from Residential Detached to Neighborhood Commercial located at 4605 South "P" Street. (companion item to items #4, #5 & #6)**

- 4. Rezoning #1-1-17; A request by Stuart Ghan for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Extension located at 4605 South “P” Street. (companion item to items #3, #5 & #6)**
- 5. A request by Stuart Ghan for development plan approval for an off-site parking lot located at 4605 South “P” Street. (companion item to items #3, #4 & #6)**
- 6. Variance #4-1-17; A request by Stuart Ghan for a variance from the required street access for major collector or higher to a local road located at 4605 South “P” Street. (companion item to items #3, #4 & #5)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow for an off-site parking lot with 22 parking spaces with landscaping and screening.

Mr. Stuart Ghan was present to speak on behalf of these requests.

Mr. John Kukar, 4601 South “P” Street, Mr. Fermin Mendoza, 4608 South “P” Street and Mr. John Davis, 3401 South 79th Street spoke in opposition to these requests citing incompatibility to adjacent residential property, devaluation of property as well as traffic concerns.

Following a discussion by the Commission, Chairman Sharpe called for the vote on these items.

- 3. A request by Stuart Ghan for a Master Land Use Plan Amendment from Residential Detached to Neighborhood Commercial located at 4605 South “P” Street. (companion item to items #4, #5 & #6)**

Chairman Sharpe called for the vote on the Master Land Use Plan Amendment. The vote was 5 opposed, 1 in favor (Carson) and 1 abstention (Cooper).

- 4. Rezoning #1-1-17; A request by Stuart Ghan for a zone change from Residential Single Family Duplex Low/Medium Density (RSD-2) to Commercial Light (C-2) by Extension located at 4605 South “P” Street. (companion item to items #3, #5 & #6)**

Chairman Sharpe called for the vote on the rezoning request. The vote was 5 opposed, 1 in favor (Carson) and 1 abstention (Cooper).

- 5. A request by Stuart Ghan for development plan approval for an off-site parking lot located at 4605 South “P” Street. (companion item to items #3, #4 & #6)**

Chairman Sharpe called for the vote on the development plan. The vote was 5 opposed, 1 in favor (Carson) and 1 abstention (Cooper).

**RECESS PLANNING COMMISSION
RECONVENE BOARD OF ZONING ADJUSTMENT**

- 6. Variance #4-1-17; A request by Stuart Ghan for a variance from the required street access for major collector or higher to a local road located at 4605 South “P” Street. (companion item to items #3, #4, & #5)**

Chairman Sharpe called for the vote on the variance request. The vote was 5 opposed, 1 in favor (Carson) and 1 abstention (Cooper).

**RECESS BOARD OF ZONING ADJUSTMENT
RECONVENE PLANNING COMMISSION**

- 7. Conditional Use #2-1-17; A request by Alice Slavens, agent for Jack Fulgham, for a conditional use for an auto body and paint business located at 7903 US Highway 271.**

Ms. Brenda Andrews read the staff report indicating that the purpose of the conditional use request is to allow the applicant to utilize a previous auto transmission shop as an auto body and paint shop with two building additions.

Ms. Alice Slavens was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Following a discussion by the Commission, motion was made, seconded and carried to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- No salvage of vehicles is allowed.
- All vehicles waiting on repair shall be behind a screened fence or inside the building. A six (6) foot tall, opaque screen fence shall be provided along the east property line.
- All future exterior site lighting shall comply with the Unified Development Ordinance’s Commercial and Outdoor Lighting regulations.

- Plans for the future building additions shall be submitted for building permit review.
- The existing dumpster shall be completely screened from adjoining property owners and street right-of-way.

Chairman Sharpe then called for the vote on the conditional use request as amended. The vote was 7 in favor and 0 opposed.

8. Home Occupation #1-1-17; A request by Dee Moore for a home occupation for an online sales business located at 405 Bordeaux Circle.

Ms. Maggie Rice read the staff report indicating that the purpose of the home occupation request is to allow the applicant to operate an online sales business to sell merchandise online and ship or deliver to the buyer. Ms. Rice noted that the owner anticipates that she will receive merchandise deliveries (via UPS, FedEx, etc) one to four times per week.

Ms. Dee Moore was present to speak on behalf of this request.

Mr. Johnny Walker of 404 Apple Valley Drive addressed the Commission with his concerns relative to traffic and safety due to the fact that there are so many children in this neighborhood.

Following a discussion by the Commission, motion was made, seconded and carried to amend this request to make approval subject to the following:

- Section 27-338-4F (Minimum Requirements for Consideration)
- The business license cannot be transferred to another residence without a new Home Occupation Application.
- No sale of any retail or wholesale item or items shall take place on the premises.
- Deliveries and shipments related to the home occupation shall be limited to no more than four per week.

Chairman Sharpe then called for the vote on the home occupation request as amended. The vote was 7 in favor and 0 opposed.

9. Variance #1-1-17; A request by Caleb Barlow, agent for Anousack & Kim Vongphachanh, for a variance from 15 feet to 0.1 feet exterior side yard setback located at 401 North 23rd Street.

Ms. Maggie Rice read the staff report indicating that the purpose of the variance request is for the enlargement of an existing deteriorated second story deck and exterior stair.

Mr. Caleb Barlow was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Motion was made seconded and carried to amend this request to make approval subject to the following:

- Construction must comply with the submitted development plan and all applicable construction codes. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 6 in favor and 1 opposed (Richardson).

10. Variance #3-1-17; A request by Ron Brixey, agent for Zachery & Andrew Smithson, for a variance from 60 feet to 25 feet minimum lot width at building line located at 7225 & 7235 Lookout Drive.

Ms. Brenda Andrews read the staff report indicating that the purpose of the variance request is to allow the property to be subdivided into two lots with a single family house on each lot, with the two lots utilizing a shared driveway with access on Lookout Drive.

Mr. Ron Brixey was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Motion was then made seconded and carried to amend this request to make approval subject to construction complying with the submitted development plan that shows two lots with a single family dwelling on each lot. Any changes to the development plan will require Planning Commission approval.

Chairman Sharpe then called for the vote on the variance request as amended. The vote was 7 in favor and 0 opposed.

Meeting Adjourned!



Memorandum

To: Planning Commission
From: Wally Bailey, Director of Development Services
Date: February 9, 2017
Subject: ACHE Master Plan

The Planning Commission agenda includes an item regarding the Arkansas Colleges of Health Education (ACHE) Master Plan. When the Planning Commission and Board of Directors reviewed and approved the Planned Zoning District, the master plan was not finished. The PZD and Ordinance No. 51-16 indicate the final plan would be submitted for final approval.

The master plan has been vetted with the City of Fort Smith and Chaffee Crossing staff. Additionally, input from the community was provided.

We recommend the Planning Commission approve the master plan. Please let me know if you have any questions.

1A

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ACHE PROPERTY

THE PLAN

REGULATING PLAN

- Site Boundary
- - - Proposed Realignment of Wells Lake Rd.
- Existing Building
- T3 Neighborhood Edge
- T4 Neighborhood General
- T5 Neighborhood Center
- Special District
- Civic Building/Structure
- Required Commercial Frontage: Front setback to be same material as public sidewalk and flush with public sidewalk. Any garage location may be at side street frontage line if it has an apartment with an entrance facing frontage.
- Recommended Commercial Frontage: Recommended to have ground level available for commercial use. Any required fences and/or hedges do not apply if commercial frontage is present.
- Required Canopy, Gallery, or Arcade Cover
- Recommended Canopy, Gallery, or Arcade Cover
- Required Common Lawn: The front yard is free of fences, hedges and walls.
- Required Terminated Vista
- Recommended Terminated Vista



The relative percentages of each transect zone are expected to be more or less as shown. However, as the Masterplan is refined, the location of each of these zones will be revised as well. To the extent to be reasonable, Special Districts should follow the Purpose and Intent of the Masterplan.

In the event that a major deviation from the masterplan is proposed (something not allowed under the PZD), a revised masterplan shall be reviewed by the Fort Smith Planning Commission.

In the event that a minor deviation is approved by the town architect, the town architect shall revise the masterplan accordingly.

Special Districts shall go before the Fort Smith Planning Commission for approval.

Rezoning

Memo

To: City Planning Commission

From: Planning Staff

Date: February 1, 2017

Re: Rezoning #2-2-17 - A request by Mitchell Minnick/Fort Smith Housing Authority, owner, for Planning Commission consideration of a rezoning request from Residential Multifamily Medium Density (RM-3) to Residential Single Family Rowhouse and Zero Lot Line (RS-5) by classification at 3716 Newlon Road

PROPOSED ZONING

The approval of the rezoning request will allow for the construction of (14) 3 bedroom dwelling units (10) 2 bedroom townhouses and (36) 3 bedroom townhouses as shown on the applicants conceptual development plan.

LOT LOCATION AND SIZE

The subject property is on the south side of Newlon Road just east of Williams Lane. The tract contains an area of 10 acres with approximately 680 feet of street frontage along Newlon Road.

REQUESTED ZONING

The proposed zoning on this tract is Residential Single Family Rowhouse and Zero Lot Line District (RS-5). Characteristics of this zone are as follows:

Purpose:

The principal purpose to achieve a more efficient use of land as compared with the typical single-family development, making available needed housing at a more affordable cost. By placing the dwelling against one (1) or more property lines, the outdoor space is essentially grouped and utilized to its maximum benefit to provide high density attached homes, including multi-story residential buildings in those areas where such building types already exist or where such buildings would be consistent with an area's established development pattern and character. The use of this district is equally appropriate in portions of the city as a transitional or buffer zone between low density residential districts, commercial district, industrial districts, or major transportation arteries, or other uses that are not compatible with a low density residential environment. RS-5 zoning is appropriate in urban areas in the Residential Attached, Residential Detached, Mixed Use Residential, or Mixed Use Employment categories of the Master Land Use Plan.

2A

Permitted Uses:

Single-family dwellings, row house, zero lot line and family group homes are examples of permitted uses.

Conditional Uses:

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 2,200 square feet (Row House)

Minimum Lot Size – 5,000 square feet (Zero Lot Line Dwellings)

Minimum Lot Width at Building Line – 22 feet (Row House)

Minimum Lot Width at Building Line – 50 feet (Zero Lot Line Dwellings)

Minimum Street Frontage – 20 feet (Row House)

Minimum Street Frontage – 15 feet (Zero Lot Line Dwellings)

Front Yard Setback – 20 feet

Maximum Height - 35 feet (1+1)

Rear Yard Setback – 20 feet

Maximum Lot Coverage - 60%

Side/Rear adjacent to RS/RSD District/Development – 10 feet

Minimum Side Yard Setback – Row House – no internal side yard setback required on common property lines. For exterior outside walls of the end units, side-yard setback requirements apply.

Minimum Side Yard Setback – Zero Lot Line – no minimum setback on one side of the lot and ten (10) feet on the opposite side of the lot.

The RS-5 zoning district has special regulations regarding zero lot line and row house developments. A copy of those regulations is enclosed.

The RS-5 zoning district also permits conventional single family construction with the Residential Single Family High Density (RS-4) bulk and area requirements.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential,

Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family Medium Density (RS-2) and Residential Single Family Duplex Medium/High Density (RSD-3) and developed as apartments and single family residences.

The area to the east is zoned Industrial Light (I-1) and developed as OK Foods and an electric sub-station.

The area to the south is zoned Residential Single Family Medium/High Density (RS-3) and is undeveloped.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Newlon Road as Residential Collector.

2C

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Wednesday, February 1, 201, at the Fort Smith Housing Authority at 2100 North 31st Street.

Six neighboring property owners and two representatives of OK Foods attended the meeting.

OK Foods had concerns about the existing sanitary sewer capacity and water quality sampling on the company's property. Other comments included concerns about the need for more affordable housing in Fort Smith, concerns about the development's condition in future years, concerns about the proposed rowhouses, and impacts on Morrison Elementary School. A copy of the attendance record and meeting summary are enclosed.

STAFF COMMENTS AND RECOMMENDATIONS

The proposed RS-5 zoning district is compatible with the existing Residential Detached Master Land Use Classification.

The rezoning request also meets the following two Comprehensive Plan goals:

- Goal Ed-7 – Ensure that a broad of housing alternatives are available for employers and employees (*enclosed in packet*)
- Goal HN-2 – Encourage a diverse range of housing options (*enclosed in packet*)

Based on compatibility with the existing Master Land Use Plan, surrounding development and zoning, and the Comprehensive Plan, staff recommends approval with the following comments:

- 1) Approval is based on the applicant's conceptual development plan. Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 of the UDO (*a copy of Section 27-330-7 is enclosed*). Any changes greater than those described in this section will require Planning Commission approval.
- 2) All development must comply with the regulations for Row House and Zero Lot Line development. Conventional single family development must comply with the RS-4 zoning district requirements.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)

see attachment A

2. Address of property: 3716 Newlon Road, FSM, AR 72904

3. The above described property is now zoned: RM-3

4. Application is hereby made to change the zoning classification of the above described property to RS-5 by Classification.
(Extension or classification)

5. Why is the zoning change requested?

Developer would like to build a mixture of
single family dwellings and row houses. Please
see attachment B for concept design plan. Rezone
request

6. Submit any proposed development plans that might help explain the reason for the request.

Signed:

Mitchell Minnick
Owner or Agent Name
(please print)


Owner

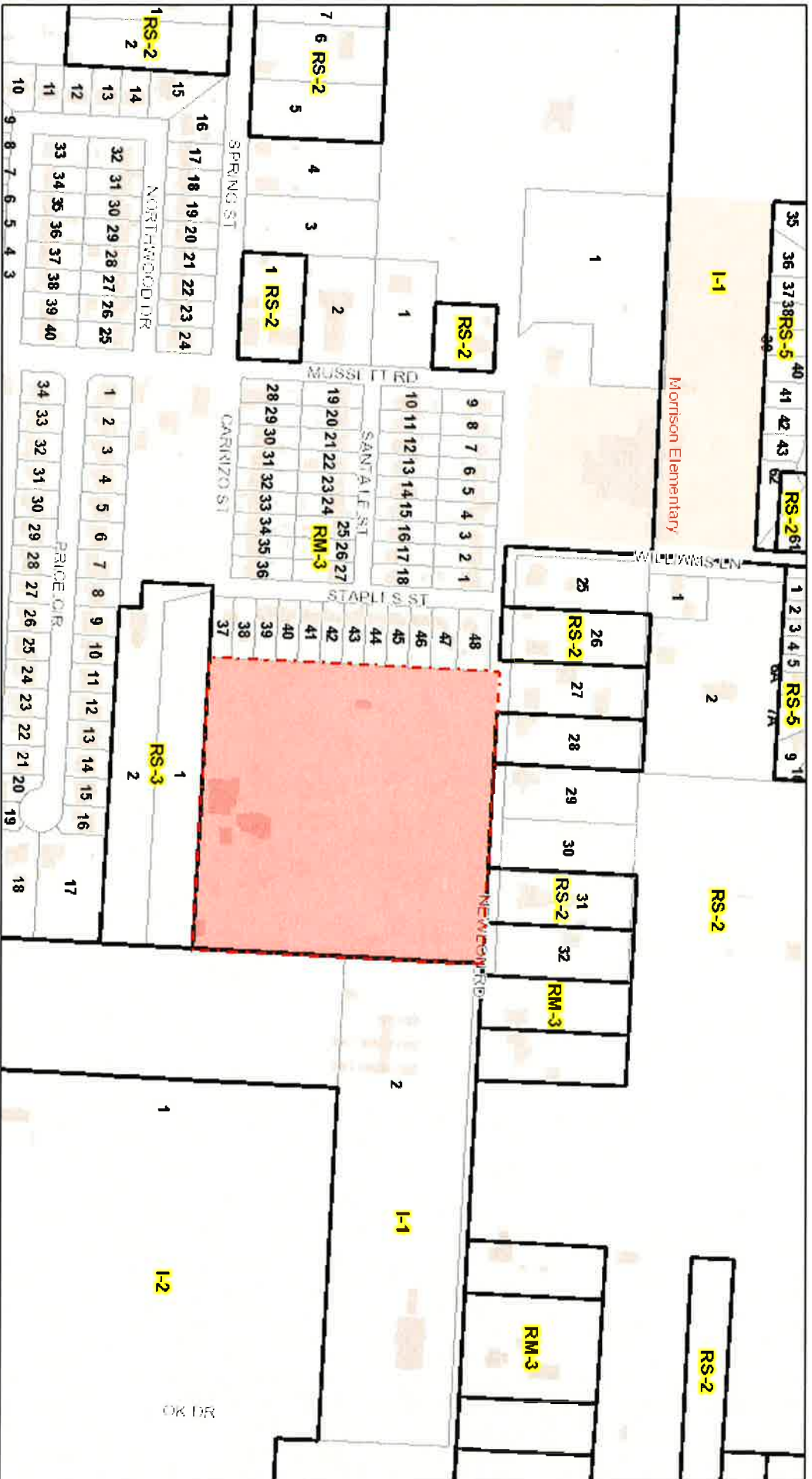
2100 N. 31st Street, FSM, AR 72904
Owner or Agent Mailing Address

or

479. 702-4991
Owner or Agent Phone Number

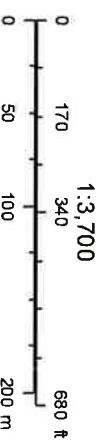
Agent

Rezoning #2-2-17: From Residential Multifamily Medium Density (RM-3) to Residential Single Family Rowhouse and Zero Lot Line District (RS-5) at 3716 Newlon Road



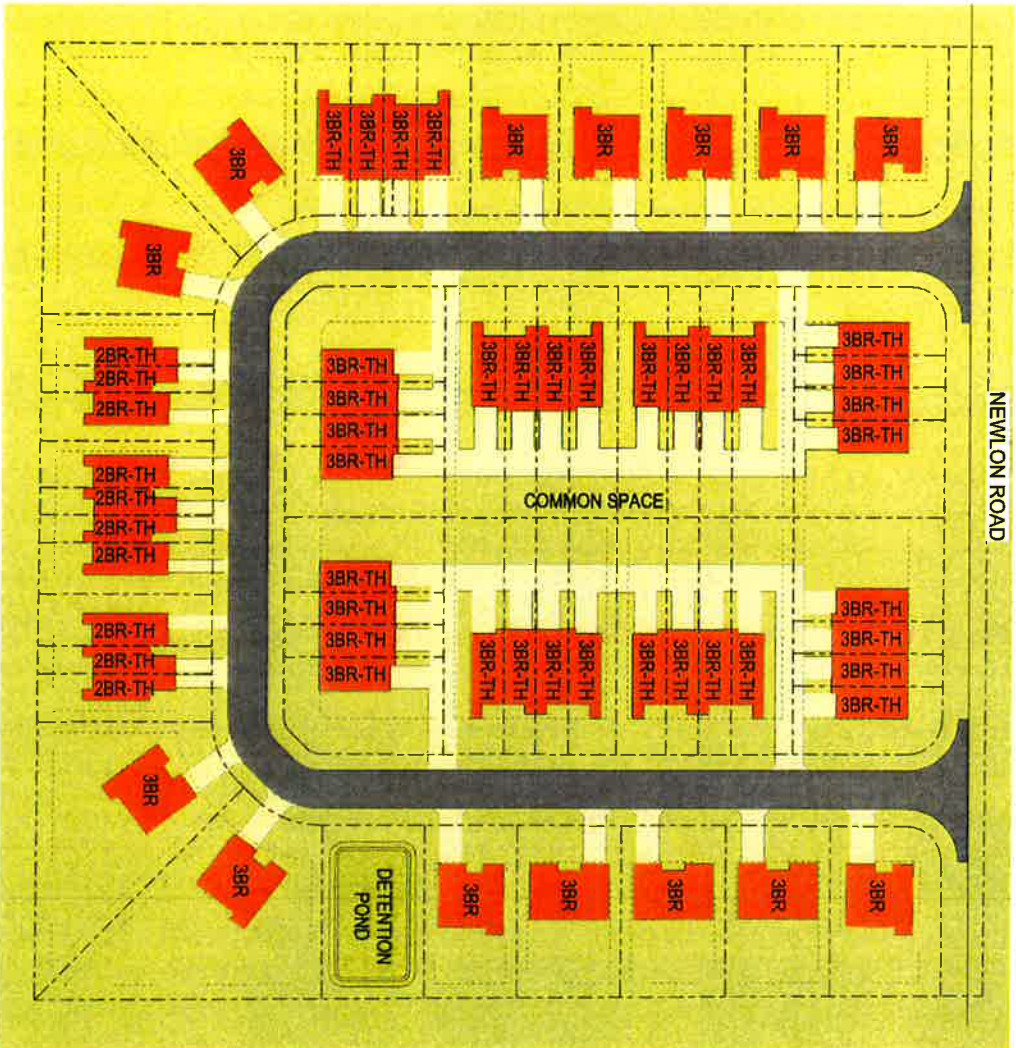
January 23, 2017

- ☒ Fort Smith City Limits
- ☒ Building Footprints
- ☒ Zoning
- ☐ Subdivisions



UNIT COUNT:
(14) 3 BEDROOM DWELLING UNITS
(10) 2 BEDROOM TOWNHOUSES
(36) 3 BEDROOM TOWNHOUSES

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1120 Garrison Avenue
Suite 1A
Fort Smith, AR 72901
479.782.4085
www.GoStudio6.com



SD-1

FSHA RED BARN PROPERTY

NEIGHBORHOOD MEETING

REZONING REQUEST

Summary of comments during the neighborhood meeting held at the Fort Smith Housing Authority's Beckman Center on Wednesday, February 1, 2017 at 5:00pm. There were 6 neighboring property owners and two employees representing OK Foods who attended the meeting in addition to three staff members of the Fort Smith Housing Authority, Brenda Andrews with the City of Fort Smith, and Scott Hathaway with Studio 6 Architects.

1. OK Foods representative comments:

- a. Concern over the capacity of the existing sanitary sewer. They stated that a flow capacity test would be helpful to them. They stated that several times they have experienced sewer backups on their property and are concerned that the additional sewage might have a negative impact on the plant's sewage discharge.
- b. Concern over water quality sampling on OK Foods property. If a future resident contaminates water in the detention pond and that water runs to the point where OK Foods samples water run-off from their property that could be a problem for them and the ADEQ.

2. Property Owners comments:

- a. Concern over the need of affordable housing in Fort Smith. Several owners expressed concern over their ability to lease their property with brand new units next to theirs. Also, they are concerned that the Housing Authority "steals" their renters.
- b. Concern about the development being "ghetto" in 10 years.
- c. Concern about the number of units in the proposed development; concern over the "rowhouse" concept and wondered if single family would be better.
- d. Concern over how many school aged children would impact Morrison elementary.
- e. Concern over the traffic impact on Newlon road, which is narrow and needs improvements.
- f. "Don't think it is necessary"
- g. "Total waste of funds."
- h. One resident asked about the timeline of construction.

A majority of the residence were not in favor of the development and would oppose the request for the zone change. The general consensus was that the development would increase the competition for renters and have a negative impact on the current landlords ability to retain and recruit additional renters.

2H

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Fort Smith Housing Authority
2100 N. 31st St. FSM, AR 72901

Meeting Time & Date 5:15pm, Wednesday, February 1, 2017

Meeting Purpose rezoning request - 3716 Newton Road

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Virginia Waples	P.O. Box 438572914	479-522-3741
2.	Larry Arnold	P.O. Box 4671	461-3089
3.	Latessa Smithson	Fort Smith,	
4.	Jim Smithson	AR 72914	
5.	Chris Lowery	3020 N 50 th Apt 214 Fort Smith	479-926-0542
6.	Mitch Minnick	2100 N. 31 st St. Fort Smith, AR	782-4991x15
7.	Norma McLaughlin	514 So. 6 th Van Buren, AR	474-7609
8.	Talicia Richardson	2100 N. 31 st FSM	
9.	Scott Chambers	2100 N 31 st FSM	
10.	Natalie Smittle		
11.	Shirley	706 Jessie D. Lavaca	

D. Regulations for Row Houses and Zero Lot Line Developments

1. Mutual access easements and utility easements may be permitted in row house and zero lot line developments. When provided, mutual access easements shall provide automobile access to individual units and utility companies.
2. Minimum Side Yard.
 - a. Row Houses: No internal side yard setback required on common property lines. For exterior outside walls of the end units, side-yard setback requirements apply.
 - b. Zero Lot Line: No minimum setback on one side of the lot and ten (10) feet on the opposite side of the lot.
3. Zero Lot Line on Zero Setback Side. When a zero lot line dwelling unit is built on the property line on one side of the lot, this side of the structure shall contain no openings, appendages, or overhangs. Atriums or courts may be permitted on the zero setback side when the court or atrium is enclosed by three walls of the dwelling unit and a wall of at least seven feet in height is provided on the zero lot line. The wall shall be constructed of the same material(s) as the exterior walls of the unit.
4. No structures shall be permitted in the front yard unless as an element of permissible landscaping.
5. Where lots have double frontage running through from one (1) street to another, the required front yard shall be provided on both streets.
6. A chimney of not more than ten (10) feet in width, as well as eaves, cornices, fire separation wing walls and other architectural embellishments may extend into the required front or side yard setback a maximum of three (3) feet.
7. Alleys may be permitted in zero lot line developments. When provided, alleys shall provide automobile access to individual units and utility companies. Where alleys are provided the minimum front yard setback shall be fifteen (15) feet. In all other cases the front yard shall be twenty (20) feet.
8. Maintenance Easement.
 - a. A perpetual four (4) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property line. This easement shall be kept clear of structures, with the exception of free standing walls and/or fences. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners.
 - b. Roof overhangs may encroach on the easement of the adjacent lot by a maximum of 24 inches, but the roof shall be designed so that water run-off from the dwelling's placement on the lot line is limited to the easement area.
9. Zero Lot Line Adjacent to Single Family Residential. In no case shall zero lot line dwelling units be built closer than ten (10) feet to the lot line of a lot that is zoned in any RS or RSD classification.
10. The Minimum Rear Yard setback shall be twenty (20) feet for row houses, and zero lot line homes. Such space however, may be used for parking purposes and open carports.
11. Maximum Number of Dwelling Units. A maximum of eight (8) dwelling units shall be permitted in each row of row houses. When an end unit does not side on a street, an open space or court of at least twenty (20) feet in width shall be provided between any adjacent structures.
12. Facing Courtyard. Where row house lots and dwelling units are designed to face an open area or common access court rather than a street, this area shall be a minimum of forty (40) feet in width and shall not include
13. Row House Side Lot Lines. Row Houses shall be constructed up to the lot lines for lots without side yards. No windows, doors, or other openings shall face a side lot line, except that the outside wall of the end units may contain such openings.



- *Living alone drives a desire for “community” (communication, connectivity), therefore gathering spaces are important.*
- *Product types that respond to these lifestyle choices include mixed-use environments (vertical and horizontal), close-in, walkable neighborhoods, etc.*
- *The average age for first-time home buyers was 26 among Generation “Yers”, and 29 among both Generation X and Baby Boomers.*

POLICY ED-7.1

Promote a comprehensive incentive program that fosters investment and reinvestment in Fort Smith’s housing stock.

POLICY ED-7.2

Encourage the development of housing product types which help to diversify Fort Smith’s existing housing stock.

GOAL ED-8

Aggressively encourage new development and redevelopment in targeted growth centers and make strategic public investments to leverage private investment and reinvestment in residential, commercial and mixed-use developments

Encouraging strategic investment in targeted areas of the City (growth centers) is a central goal for Fort Smith’s future economic development efforts. The premise behind targeting investment in priority areas assumes concentrating limited public resources in select locations that will have a positive economic “ripple effect” in surrounding neighborhoods, corridors and influence areas. In this way, the City of Fort Smith (as a public partner) can effectively “leverage” quality private investment efforts to overcome barriers and achieve desired outcomes. Successful “leverage” efforts in other communities indicate that a community should expect at least a 5-to-1 ratio between private and public investment. In other words, every \$1 in public investment should “leverage” \$5 in private investment.

The City’s growth path will also have important fiscal implications. Generally, the more dense the development pattern, the greater the positive fiscal impact to the City over the long term. Higher-density residential development patterns tend to attract a broader array of retail, or revenue-producing opportunities, given that retail centers can avail themselves of a deeper pool of disposable income. A more efficient use of existing infrastructure under a higher-density development pattern produces another positive fiscal impact.

POLICY ED-6.2

Promote higher density mixed-use development in order to create vibrant live-work-play activity centers in key commercial corridors

» ACTION ED-6.2.1

Identify strategic locations (vacant land, publicly owned, etc) for mixed-use development along key corridors.

GOAL ED-7

Ensure that a broad range of housing alternatives are available for employers and employees

Fort Smith's current housing inventory indicates that the City's population growth complemented and supported the growth of its industries. Nearly three-quarters of Fort Smith's housing stock was built before 1980; therefore, opportunity exists to revitalize and rehabilitate older neighborhoods to meet current and anticipated preferences and technology.

Changing demographics and consumer tastes will ultimately determine how City neighborhoods develop/redevelop and what types of housing products will be desired. Fort Smith's residential growth has continued to be dominated by single family detached units, but a growing trend throughout the Southwestern U.S. in recent years has been the shift to more higher-density housing products (townhomes, condominiums, and apartments) – a trend in response to the desires of Generations X and Y.

Fort Smith has an opportunity to be a regional target for urban housing, particularly given the presence of a university and an attractive downtown. The "close-in" nature of existing neighborhoods in combination with the introduction of higher density housing products will enable Fort Smith to attract demographic groups it now lacks that would support industry: young adults seeking job opportunities who want to live in an affordable, "walkable" urban environment.

Other factors that should be considered in efforts to diversify the housing base to attract a wide range of employers and employees include:

- *Downtowns and infill neighborhoods provide the ideal setting for flexible spaces which appeal to lifestyles seeking environment over product.*
- *Approximately 25% of single-person households are made up of people under 35 who have never been married – financially independent, postponing marriage and focusing on health.*



GOAL HN-2

Encourage a diverse range of housing options

A variety of housing typologies will be required to meet the needs of an aging and diversifying population. Policies and strategies to improve the mix of housing in Fort Smith include planning housing for diverse populations, improving housing in urban areas through infill, and ensuring that there is a sufficient supply of single-family and multi-family units.

POLICY HN-2.1

Plan for and accommodate senior housing and other special needs populations as well as housing choices for young adults and families.

» ACTION HN-2.1.1

Locate diverse housing opportunities accessible to shopping, parks, recreation centers, schools, medical care, and public transit.

POLICY HN-2.2

Maintain housing opportunities in urban areas.

» ACTION HN-2.2.1

Support the renovation and revitalization of existing housing and promote infill development of vacant land within the corporate limits.

POLICY HN-2.3

Promote the development of a mix of housing types, including single family detached, single family attached, accessory apartments, and multi-family units.

» ACTION HN-2.3.1

Review and revise regulations that create unintended impediments to new or innovative types of desirable housing.

POLICY HN-2.4

Preserve and increase the supply of safe, stable, and affordable supportive housing opportunities for homeless individuals and families.

» ACTION HN-2.4.1

Continue to support, in accordance with the recommendations made by the Homelessness Task Force and adopted by the City Board, the creation and implementation of the campus concept to consolidate existing homeless and social services south of Garrison Avenue.

It is important to provide housing solutions for people in all stages of life, from young adults to seniors.

Employer Assisted Housing Program,
University of Kentucky
Lexington, KY

The University of Kentucky, in partnership with the Samaritan Hospital and the Downtown Development Authority, kicked off the "Live Where You Work" employer-assisted housing program in 2003. The effort is intended to increase homeownership opportunities for Lexington's workforce through access to up to \$15,000 for eligible employees, housing information and education through counseling agencies, and options for financing. The program is targeted to downtown and university areas to reduce commuting time and encourage urban infill / reinvestment.

The program has been in place for over a decade and still offers forgivable loans of up to \$15,000 to eligible employees for down payment, closing costs, rehab, and renovation assistance in designated neighborhood revitalization areas. The program got off to a slow start, in part due to a limited geographic area, however many employees are now taking advantage of the loans and free housing counseling services and investing in downtown housing, located near their employers.

Links:
http://www.uky.edu/PR/News/Archives/2003/Oct2003/03-10_employer_assisted.htm
<http://bizlex.com/2012/03/housing-affordability-lexington-looks-for-solutions/>

27-330-7 Amendments to Preliminary Development Plans

Once a preliminary plan has been approved, significant changes may be made only after approval of a revised preliminary development plan. This requires re-submittal of the application through the same procedural requirements of the original application. Changes that are not considered significant pursuant to Section 27-331-7(a) may be approved at the Director's discretion. Disapproval of the changes may be appealed to the Planning Commission.

B. **Criteria.** For the purposes of this section, significant changes shall be determined by the Director. Significant changes shall mean any of the following, provided they are still within the approved standards of the applicable zoning district.

1. Increases in density or intensity of residential uses by more than 5%;
2. Increases in total floor area (entire plan) of all non-residential buildings by more than 5% or 5000 square feet, whichever is less;
3. Increases of lot coverage by more than 5%;
4. Changes to the architectural style that shall make the project inconsistent with previous approvals;
5. Changes in ownership patterns or stages of construction that shall lead to a different development concept;
6. Changes in ownership patterns or stages of construction that shall impose substantially greater volumes on streets and load capacities on public facilities;
7. Decrease of more than 5% to any perimeter setbacks;
8. Decrease of more than 5% in areas devoted to open space or the substantial relocation of such areas;
9. Changes in traffic circulation patterns that will affect traffic outside of the project boundaries;
10. Modification or removal of conditions and stipulations to the preliminary development plan approval; or
11. Modifications that change, amend, or violate the terms of the Comprehensive Plan.

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: January 31, 2017

Re: Proposed Master Land Use Plan Amendment by Ron Brixey, agent for Commercial Brokerages, LLC, at 3625 South 91st Street from Residential Attached & General Commercial to General Commercial

The Planning Department is in receipt of an application from Ron Brixey, agent, to amend the Master Land use Map from Residential attached & General Commercial to General Commercial to accommodate a proposed Planned Zoning District (PZD) zoning request. The subject property is on the east side of South 91st Street just north of Rogers Avenue. The tract contains an area of 2.16 acres with approximately 311 feet of street frontage along South 91st Street.

The property is currently zoned Residential Multifamily Medium Density (RM-3). A companion rezoning application requests a PZD. The Master Land use Plan is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as Residential Detached and is undeveloped.

The area to the east is classified as Residential Detached and Residential Attached and is developed as single family residences and undeveloped land.

The area to the south is classified as General Commercial and are undeveloped.

The area to the west is classified as Residential Attached and General Commercial and is developed as apartments and an office.

The proposed Land Use classification of General Commercial is described as follows:

To provide opportunities for business transactions and activities, and meet the consumer needs of the community.

3A

Characteristics and Use:

Criteria for Designation:

Compliance Noted

- | | |
|--|------------|
| • Compatible with and complimentary to surrounding uses. | <u>Yes</u> |
| • Located on high volume arterials and collectors | <u>Yes</u> |
| • Located as a cluster of like services | <u>Yes</u> |
| • Accessible by most modes of transportation | <u>Yes</u> |
| • Appropriately located for minimum impact of adjacent uses, and, by volume of activity and trips generated by use | <u>Yes</u> |

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Attached and General Commercial.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 91st Street as a Residential Collector.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, January 31, 2017 at 9000 South Dallas Street.

No neighboring property owners were in attendance.

The City of Fort Smith was represented by Tom Monaco

STAFF COMMENTS AND RECOMMENDATIONS

Staff requests the Planning Commission consider the following pro and con of the application:

Pro: The area proposed for change meets the General Commercial land use criteria for designation.

Con: The request pushes the General Commercial land use classification closer to the surrounding neighborhoods.

Application Type

☒ Minor Amendment ☐ Standard Amendment ☐ Major Amendment
(See Section 27-328-5 C. (Criteria))

Request to Amend Map ☐ Request to Amend Text ☐

Applicant Name:	Commercial Properties Brokerage, LLC		
Firm Name:	Brixey Engineering & Land Surveying, Inc.		
Address:	5223 East Highway 45, Fort Smith, Ark. 72916		
Phone # (day):	479-646-6394	Phone # (cell):	479-650-3400
		Fax #:	479-646-6721
Owner Name:	Commercial Properties Brokerage, LLC		
Owner Address:	P.O. Box 698, Vian, Oklahoma 74962		
Phone # (day):	918-776-4700	Phone # (cell):	same
		Fax #:	
Property Address (subject property):	3625 South 91st Street		
Subject Property			
Current Land Use:	Vacant		
Existing MLUP Classification:	Residential Attached/General Commercial		
Proposed MLUP Classification:	General Commercial		
Existing Zoning Classification:	RM-3 Residential Multifamily Medium Density		
Proposed Zoning Classification:	PZD		
Surrounding Property			
Current Land Use:	north-	Vacant	
	south-	Vacant	
	east-	Vacant	
	west-	S. F. & M.F. Residential, Office & Pub	
Existing MLUP Classification:	north:	Residential Attached	
	south:	General Commercial	
	east:	Residential Detached & Gen. Commercial	
	west:	Residential Attached & Gen. Commercial	
Existing Zoning Classification:	north:	RM-3	
	south:	C-5	
	east:	RM-3	
	west:	RM-3, C-5, & T	
Pre-Application Meeting Date:	January 13, 2017		

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

30

1. A legal description of the subject property that is to be amended (reclassified).
Pt. NW/4, SW/4 Sec. 29, T-8-N,R-31-W
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.

Development Plan Attached

3. The area dimensions of the property in square feet or acres.
2.16 Acres
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Property fronts on South 91st Street, a Residential Collector.

Project is not expected to impact peak traffic conditions based upon
limited use and hours of expected peak use.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

Property is served by an existing 12" waterline and an existing 8"
sewer line. No additional infrastructure will be required.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

Currently there is one proposed 9500 sf building on the Development Plan.
PZD will allow 65% lot coverage with maximum building size of 30,000 sf

7. Identify any known or anticipated environmental concerns:

NONE

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

- a. Describe potential changes to development patterns in terms of local and regional impacts:

- b. Describe the consistency in zoning between existing and planned uses:

- c. Provide explanation of the need for and demand in the proposed uses:

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

AUTHORIZATION OF AGENT

3E

Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Ron B. [Signature]

Signature (Agent/Owner)

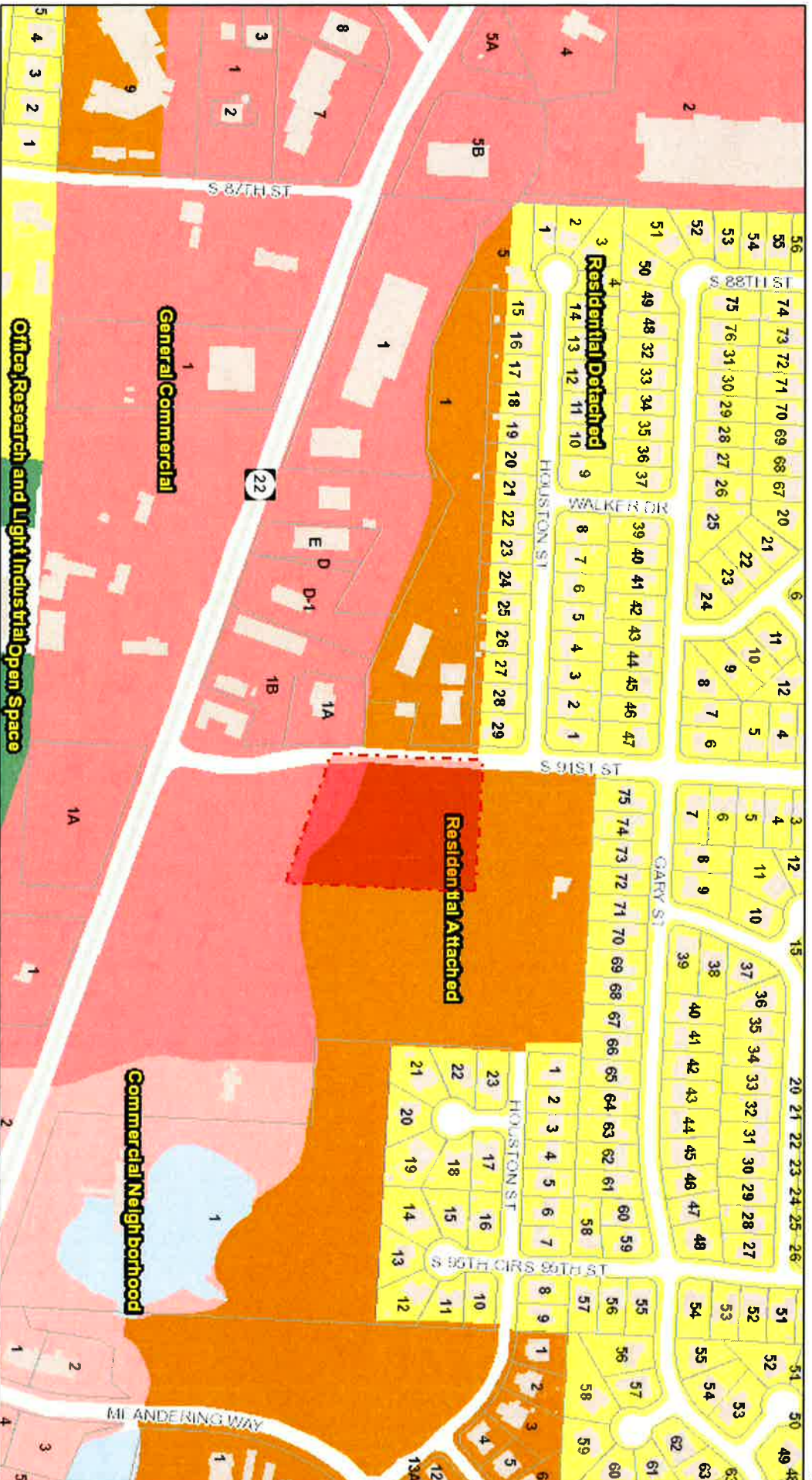
1/19/17

Date

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

Master Land Use Plan: From Residential Attached/General Commercial to General Commercial 3625 South 91st Street

Handwritten initials/signature



January 23, 2017

Fort Smith City Limits

Subdivisions

Building Footprints



Memo

To: City Planning Commission

From: Planning Staff

Date: January 31, 2017

Re: Rezoning #3-2-17 - A request by Ron Brixey, agent, for Planning Commission consideration of a rezone request from Residential Multifamily Medium Density (RM-3) to Planned Zoning District by classification at 3625 South 91st Street

PROPOSED ZONING

The approval of the requested rezoning will allow for the construction of a 9,500 square foot rock climbing business with 54 parking spaces.

LOT LOCATION AND SIZE

The subject property is on the east side of South 91st Street just north of Rogers Avenue. The tract contains an area of 2.16 acres with approximately 311 feet of street frontage along South 91st Street.

REQUESTED ZONING

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Comprehensive and innovative planning and design of diversified yet harmonious development consistent with the comprehensive plan;
- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Multifamily Medium Density (RM-3) and is undeveloped.

The area to the east is zoned Residential Multifamily Medium Density (RM-3) and is developed as single family residences.

The area to the south is zoned Commercial Heavy (C-5) and is undeveloped.

The areas to the west are zoned Transitional (T) and Commercial Heavy (C-5) and are developed as apartments, office and a bar/tavern.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 91st Street as a Residential Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as (proposed) General Commercial. This classification is to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

PROJECT BOOKLET

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **YES**
- E. Does the Plan represent an overall development pattern that is consistent with the Comprehensive Plan, Master Street Plan, Master Land Use Plan, and other adopted planning policies? **YES**
- F. The required right-of-way dedication has been identified by the City Engineering Department? **YES**
- G. All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**
- H. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **This project will have minimal impact on traffic on South 91st Street.**
- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **The project will exceed the UDO requirements in that it will restrict the permissible land uses and limit signage to one monument sign.**

4C

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – There will be only one entrance/exit for the property. The driveway will be located on South 91st Street.

Right-of-way dedication – N/A

Drainage – The Engineering Department is reviewing the drainage.

Landscaping & Screening – Parking lot screening is proposed along South 91st Street.

Parking – The UDO requires 53 spaces and they have proposed 54 parking spaces.

Signage – All free standing signage is limited to one monument type sign.

Sidewalks – There is an existing sidewalk at this location.

FACTORS TO BE CONSIDERED

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Comprehensive Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

NEIGHBORHOOD MEETING

A neighborhood meeting was held Tuesday, January 31, 2017 at 9000 South Dallas Street.

No neighboring property owners were in attendance.

The City of Fort Smith was represented by Tom Monaco

STAFF COMMENTS AND RECOMMENDATIONS

In paragraph 3A of the project booklet the applicant states the PZD will be comparable to the C-2 zoning district. However, the land uses allowed in the proposed PZD include two land uses that are only permitted in the heaviest commercial zoning district. These two land uses are *mini-storage warehouse* and *amusement center (outdoor)*.

Staff recommends approval of the application contingent upon the following:

1. Final plans must be submitted for a building permit and must comply with all codes and ordinances.

**VERTICAL HORIZON
3625 SOUTH 91ST STREET
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

**PROJECT: VERTICAL HORIZON
AN ADDITION TO THE CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS**

**LOCATION: PART OF THE NW/4, SW/4
SECTION 29, TOWNSHIP 8 NORTH, RANGE 31 WEST
SEBASTIAN COUNTY, ARKANSAS**

**DEVELOPER: COMMERCIAL PROPERTIES BROKERAGE, LLC
P.O. BOX 698
VIAN, OKLAHOMA 71962
PHONE: 918-776-4700**

**SUBMITTED TO: CITY OF FORT SMITH
623 GARRISON AVENUE
FORT SMITH, ARKANSAS 72902**

**ENGINEERS: BRIXEY ENGINEERING & LAND SURVEYING, INC.
P.O. BOX 6180
FORT SMITH, ARKANSAS 72906**

FEBRUARY, 2017

**RONALD BRIXEY
ARK. REG. P.E. NO. 4456**

46

479-646-6394
Owner or Agent Phone Number

NOTICE OF PUBLIC HEARING

Notice is hereby given that the undersigned, as owner(s) or agent for the owner(s) of the following described property in the Fort Smith District of Sebastian County, Arkansas, to wit:

A part of the Northwest Quarter of the Southwest Quarter of Section 29,
Township 8 North, Range 31 West,
Fort Smith, Sebastian County, Arkansas.

Address of property 3625 South 91st Street has filed with the Director of Planning a
(Street Address)
written application to City of Fort Smith, Arkansas, to request a zone change from
RM-3 to a Planned Zoning District by Classification.
(Classification or Extension)

The undersigned will present said application to the City Planning Commission at its first regular meeting following the expiration of fifteen (15) days from the date of this publication, at which meeting the Planning Commission will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard.

This notice published this _____ day of _____, 20____.
(City will insert Date)

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LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property *(Insert legal description)*

A part of the Northwest Quarter of the Southwest Quarter of Section 5,
Township 8 North, Range 31 West,
Fort Smith, Sebastian County, Arkansas.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land except as follows: *

None


Signature

(If no restrictive covenants exist, indicate "none".)*

1. COMMERCIAL PROPERTIES BROKERAGE, LLC
PO BOX 698
Vian, OK 74962
2. SAFREED, KATHLEEN GARDINER TRUST
C/O REGIONS BANK (SUCCESSOR TRUSTE
400 W CAPITOL AVE, 7TH FLOOR
Little Rock, AR 72201
3. BARRY, MARTHA LOU LIVING TRUST
BARRY, MACK TRSTEE
1465 E JOYCE BLVD., 2ND FL
FAYETTEVILLE, AR 72703
4. SSS ENTERPRISES INC
2411 S WALDRON RD
FT SMITH, AR 72903-3736
5. EVANS, QUYNH, NGUYEN, ANN, AND
NGUYEN, ANDERSON, & NGUYEN, TO
8908 LAKESIDE WAY
FORT SMITH, AR 72903
6. JORDAN, J.C. LIVING TRUST
JORDAN, J.C. TRUSTEE
1520 ROGERS AVE
Fort Smith, AR 72901
7. FUENTES, ALEJANDRO
8909 ROGERS AVE
FORT SMITH, AR 72903-5248
8. EASTRIDGE APARTMENTS, LLC
C/O JERRY D PRUITT
5000 ROGERS AVE STE 634
FORT SMITH, AR 72903
9. BEAN, ARVID A LIVING TRUST
3620 S 91ST
FORT SMITH, AR 72903
10. PITTS, CHERYL A
9016 S HOUSTON ST
FORT SMITH, AR 72903-5234
11. HUYSER, GAIL R & LOIS A
9012 S HOUSTON ST
FORT SMITH, AR 72903
12. MONTGOMERY, PAUL & CAROLINE
2118 ATLANTA
Fort Smith, AR 72901

13. ALBERT, MICHAEL II & DEBORAH A
9004 S HOUSTON ST
FORT SMITH, AR 72903-5234
14. TRIEU, DANNY T & LE, HUONG NGOC LAN
9009 HOUSTON ST
FORT SMITH, AR 72903
15. DOAN, JOSEPH & THUY T NGUYEN
9013 S HOUSTON ST
FORT SMITH, AR 72903-5233
16. ZEILER, EDDIE
9017 S HOUSTON
FORT SMITH, AR 72903
17. SHAMP, DONALD S & JANICE R
P O BOX 281
GREENWOOD, AR 72936
18. SEAY, JIMMY R & MARY F
9100 S GARY ST
FORT SMITH, AR 72903-5649
19. NEIKIRK, JEFFERY B
9104 S GARY ST
FT SMITH, AR 72903-5649
20. MERCADO, CARLITO & VILMA
9108 S GARY ST
FT SMITH, AR 72903-5649
21. BENHAM, JOE AURTHUR JR & MELISSA RE
9112 S GARY ST
FORT SMITH, AR 72903-5649
22. THOMAS, CHRISTA H & NATASHA R
9200 S GARY ST
FORT SMITH, AR 72903
23. PARSON, JANICE M ETAL
9204 S GARY ST
FORT SMITH, AR 72903-5651

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

<u>NAME</u>	<u>ADDRESS</u>
1. <u>Commercial Properties Brokerage, LLC</u>	<u>P.O. Box 698, Vian</u>
2. <u>Neal Rogers, Managing Partner</u>	<u>Oklahoma 74962</u>
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a rezoning by application do hereby authorize Ron Brixey to act as our agent in the matter.
(Print Name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

- | | |
|--|--|
| 1. <u>Commercial Properties Brokerage, LLC</u> | <u></u> |
| 2. <u>Neal Rogers, Managing Partner</u> | <u></u> |
| 3. <u></u> | <u></u> |
| 4. <u></u> | <u></u> |
| 5. <u></u> | <u></u> |
| 6. <u></u> | <u></u> |
| 7. <u></u> | <u></u> |
| 8. <u></u> | <u></u> |
| 9. <u></u> | <u></u> |
| 10. <u></u> | <u></u> |

This form is necessary only when the person representing this request does not own all property.

PROPERTY DESCRIPTION:

Part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section 29, Township 8 North, Range 31 West, Sebastian County, Arkansas being more particularly described as follows:

Commencing at an existing railroad spike being in the centerline of South 91st Street and marking the Northwest corner of said NW/4 of the SW/4; thence S 02°21'11" W, 232.47 feet along the West line of said NW/4 of the SW/4 and said centerline; thence leaving said West line and centerline S 87°38'09" E, 30.00 feet to the East right of way line for said South 91st Street being the Point of Beginning; thence leaving said right of way line S 87°38'09" E, 266.00 feet; thence S 02°21'51" W, 396.04 feet; thence N 70°02'48" W, 279.05 feet to said right of way line; thence along said right of way line N 02°21'51" E, 311.71 feet to the point of beginning containing 2.16 Acres, more or less, being subject to public road rights of way and any easements of record.

4N

**VERTICAL HORIZON
3625 SOUTH 91ST STREET
PROJECT BOOKLET
PLANNED ZONING DISTRICT APPLICATION**

3a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.

The subject property is currently zoned RM-3 (Residential Multifamily Medium Density). A change in zoning is needed to allow the development of an indoor rock climbing center. A Planned Zoning District will allow flexibility in standards to accommodate an establishment which will allow residents of the City to amuse themselves while exercising. The proposed principal activity will be rock climbing. However, this PZD will also allow multifamily uses patterned after the original RM-3 zoning and a variety of commercial uses patterned after C-2 (Commercial Light) zoning in the event that the initial development proposal were to change in the future. The PZD will allow the development to utilize design standards which meet or exceed the minimum required by the UDO.

3b. Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales.

Current Owner: Commercial Properties Brokerage, LLC - P.O. Box 698, Vian, Oklahoma 74962. Phone: 918-776-4700.

Proposed Buyer: Jerry Barnett - 601 Lecta Avenue, Fort Smith, Arkansas 72901
Phone 479-883-7957.

3c. Summary description of the scope, nature, and intent of the proposal.

The PZD will include an area of approximately 2.2 acres located on the eastern side of South 91st Street approximately 600 feet north of Rogers Avenue. The property is currently zoned RM-3.

The property to the south fronts on Rogers Avenue. This property is zoned C-5 and is currently undeveloped.

The property to the north and east is zoned RM-3 and is currently undeveloped.

The property to the west across South 91st includes an insurance agency, a pub, and an apartment building. There are some single family dwellings north of the apartments which front on South Houston Street. Zoning to the west includes C-5, T, and RM-3.

The intent is to provide a facility in which residents of the City can exercise in an amusing fashion. It is anticipated that some parties will be arranged as well as attendance by some regular patrons who enjoy the activity. No other establishment of this nature is available in the area.

3d. General project scope:

i. Street and lot layout

See attached Development Plan.

The primary access to the site is South 91st Street which is classified by the Master Street Plan as a Residential Collector. It is currently 37 feet wide with adequate right of way for the classification (60 feet). One entrance will be provided to the site:

ii. Site plan showing proposed improvements

See attached Development Plan.

iii. Buffer areas, screening, and landscaping

Buffer areas and landscaping will follow City UDO requirements. A copy of the Landscape Management Plan is included in this booklet.

See attached Development Plan.

iv. Storm water detention areas and drainage

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

v. Undisturbed natural areas

Approximately 0.8 acres of the site are within the Floodplain of Little Massard Creek. This area includes the creek channel and an area of bank on both sides which have a park-like atmosphere with grass cover and scattered trees. This area will not be disturbed by construction activities. The area will be maintained in the same manner as a park with grass and weeds controlled by mowing and trees trimmed as may be required.

vi. Existing and proposed utility connections and extensions

Existing utilities and proposed service lines are as shown on the attached Development Plan.

No extensions are proposed. Electric service and telephone service lines are proposed to be located underground.

vii. Development and architectural design standards

Development and architectural design standards will comply with the requirements of UDO Section 27-602 - Design Guidelines.

viii. Building elevations

Elevations are attached for the proposed structure.

Architectural design and finishes will comply with the requirements of UDO Section 27-602-4 (C) "Transitional and Commercial Building Design Standards".

ix. Proposed signage (type and size)

One monument type sign is proposed at the location shown on the Development Plan Drawing. This sign will be constructed to comply with UDO Section 27-704-1 (3).

A facade sign is also proposed. This Sign will be constructed to comply with UDO Section 27-704-2 (2)c.

In the event that plans change in the future such that the proposed usage becomes Residential Multifamily, all portions of this section will revert back to RM-3 specifications and restrictions.

3e. Proposed development phasing and time frame

The development is proposed to be constructed in one phase.

Construction is to begin April 1, 2017 and be completed by September 1, 2017.

All dates are approximate.

3f. Identify land use designations

The current Land Use designation is Residential Attached. It is proposed to amend the Land Use to General Commercial.

3g. Identify area and bulk regulations

Bulk and Area requirements for the PZD are as shown below.

Min. Lot Size	6500 s.f.
Min. Lot Width at BSL	60 feet
Max. Lot Coverage	65%
Max. Height	40 feet
Addnl. Height	see 27-404 D. of the UDO

Setbacks	
Front	25 feet

Side	10 feet
Street side/corner	15 feet
Rear	10 feet
Minimum Street Frontage	20 feet
Minimum Bldg Separation	10 feet

The above listed restrictions are essentially identical to those for RM-3 zoning.

- 3h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)**

Comparison is between the proposed PZD restrictions and the RM-3 restrictions.

	PZD	RM-3
Density	20 DU/Acre	20 DU/Acre
	30,000 sf Commercial Bldg	Com. Bldg. Not Allowed
Min. Lot Size	6500 s.f.	6500 s.f.
Min. Lot Width at BSL	20 feet	20 feet
Max. Lot Coverage	65%	65%
Max. Height	40 feet	40 feet
Addnl. Height	see 27-404 D. of the UDO	see 27-404 D. of the UDO
Setbacks		
Front	25 feet	25 feet
Side	10 feet	10 feet
Street side/corner	15 feet	15 feet
Back	10 feet	10 feet
Minimum Street Frontage	20 feet	20 feet
Minimum Bldg Separation	10 feet	10 feet

- 3i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.**

See Chart 1 - PZD Permitted Land Uses vs. Existing Zone Designations.

- 3j. A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high quality materials on the façade, etc.).**

The project will exceed the UDO requirements in that it will restrict the permissible land uses and limit signage to one monument sign.

3k. Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage.

The property to the east and north is undeveloped. This property is zoned RM-3. The zoning restrictions proposed in this application are very nearly identical to those for RM-3 zoning with the exception of allowing some light commercial activities.

The property to the south is undeveloped. This property is zoned C-5. It is not expected that the potential multifamily or light commercial development of the subject property would be objectionable to a future C-5 development.

The property to the west across South 91st includes an insurance agency, a pub, and an apartment building. The proposed multifamily/light commercial zoning restrictions should be very compatible with these current uses.

The single family dwellings north of the apartments which front on South Houston Street should feel very little impact from the development due to it being more or less behind their back yards.

The majority of the traffic on South 91st Street is residential from the residential developments to the north of the project area. Residential traffic peaks will not coincide with daily traffic peaks from the development.

There should be no conflicts in regard to signage due to the fact that the development signs will be on the opposite side of South 91st Street from the currently existing signs.

3l. A traffic study when required by the Engineering Department (consult with staff prior to submittal).

A Traffic Information Statement is attached.

3m. Statement of availability of water and sewer (state size of lines)

A 12 inch waterline runs along the front of the property on the east side of South 91st Street. An 8 inch sewer line runs along the front of the property on the west side of South 91st Street. A 36 inch sewer line runs east and west across the property.

Locations of these lines are shown on the Development Plan drawing.

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Fort Smith Use Matrix

Fort Smith Use Matrix		Districts																												PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use Size or density restrictions for any use may be noted in the district		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	I-4			
Residence or Accommodation				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4				
Private Household																														
Single Family building																														
Detached		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P											P		
Duplex									P	P	P	P	P	P	P	P	P											P		
Guest house		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A											A		
Multifamily development												P	P	P	P	P	C											P		
Community residential facility																												P		
Group home, family		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P											P		
Group home, neighborhood												P	P	P	P	P	P											P		
Assisted living												P	P	P	P	P	P											P		
Retirement housing												P	P	P	P	P	P											P		
Hotels, Motels, or other Accommodations												C	C	C	C	C	C											C		
Bed and breakfast inn																														
Business, Professional, Scientific, and Technical Services																														
Professional Services																														
Accounting, tax, bookkeeping, payroll																												P		
Architectural, engineering																												P		
Consulting services																												P		
Legal services																												P		
Offices, general																												P		
Administrative Services																												P		
Business support services																												P		
Office and administrative services																												P		
Food Services																														
Restaurant																	P											P		
Personal Services																														
Laundry, cleaner																												P		
Laundry, cleaner (drop-off station)																			P	P	P	P	P	P	P	P	P	P		
Warehouse and Storage Services																														
Mini storage warehouse																												P		
Communications and Information																												P		
Commercial communication towers		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C												C		
Utilities and Utility Services																														
Amateur radio transmitting towers				C	C	C	C	C	C	C	C	C	C	C	C	C												C		

3625 SOUTH 91st STREET, FORT SMITH, ARKANSAS

LANDSCAPE MANAGEMENT SCHEDULE

January:

- Prune any tree branches that interfere with public safety or sight lines. Prune all street trees yearly to encourage strong upward growth. Do not top trees.
- Mulch mow all turf areas once per month. (Use mulching mower that chops clippings finely and blows mulch down into turf to decompose and feed soil.)

February:

- Apply granular fertilizer around trees or shrubs in late February. Make application prior to a moderate rainfall so the rain will wash the fertilizer in. Do not fertilize swale plantings. (See "Fertilization" section for recommended products.)
- Mulch mow all turf areas once per month.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

March:

- Mulch mow all turf areas twice per month.

April:

- Mulch mow all turf areas weekly.
- Fertilize all landscape areas. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

May:

- Mulch mow all turf areas weekly.
- Water Landscaped areas weekly.

June:

- Mulch mow all turf areas weekly.
- Prune spring & winter-flowering shrubs as needed to maintain proper shape (natural, touching, not hedged or topiary except where specified by owner).
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.
- Water Landscaped areas biweekly.

July:

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12 feet above street level).
- Water Landscaped areas biweekly.

August:

- Mulch mow all turf areas weekly.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.
- Water Landscaped areas biweekly.

September:

- Mulch mow all turf areas weekly.
- Prune vines as needed to keep out of window recesses or if vines are extending above the first story (12').
- Fertilize all landscape areas in September or early October. The fertilization of shrubs/groundcover areas may be eliminated when the plants reach maturity or completely fill the planters, without space between them.

October:

- Mulch mow all turf areas twice per month.
- Add washed rock to planters where the coverage has been reduced or displaced to cover any bare places. Rock not required where shrubs or groundcover completely hide the soil surface from view.

November:

- Mulch mow all turf areas twice per month.

December:

- Mulch mow all turf areas once per month.
- Prune any tree branches that interfere with public safety. Prune all parking lot and street trees yearly as needed to remove dead and crossing branches and to encourage spreading and upward growth that fits the available space. Do not top trees.
- Prune summer and fall-blooming shrubs as needed to maintain proper shape.

**TRAFFIC STATEMENT
3625 SOUTH 91ST STREET
FORT SMITH, ARKANSAS
BRIXEY ENGINEERING & LAND SURVEYING, INC.**

GENERAL DESCRIPTION

3625 South 91st Street is a proposed commercial development located north of Rogers Avenue and east of South 91st Street in the City of Fort Smith, Arkansas. The development will consist of an indoor rock climbing center.

STREET DESCRIPTION

Access to the site will be from South 91st Street which is classified as a Residential Collector by the Master Street Plan. It is currently 37 foot wide concrete.

TRIP ASSIGNMENTS

Trip assignments are based on ease of access, distance to desirable locations, travel times, available road capacities, and determination of a preferred route. It is assumed that the majority of traffic from the traffic study area will be attempting to reach the businesses and housing areas of greater Fort Smith to the south and west.

It is our opinion that the majority of trips in and out of the development will follow South 91st Street south to Rogers Avenue.

We have attached a Traffic Statement Basemap indicating the traffic generation areas described in the following statements.

Our trip assignments for the surrounding area are as follows:

Most traffic generated from the study area will follow South 91st Street south to Rogers Avenue.

ASSUMPTIONS

Based upon the most probable destinations available, it is our assumption that approximately 100% of the study area traffic will go South on South 91st Street.

TRAFFIC ANALYSIS

We have obtained a copy of guidelines for local or collector streets from the ITE website. This guideline was apparently prepared for Tucson, Arizona (<http://www.ite.org/traffic/documents/Tucson/PolicyandProcedures.pdf>). A copy of page 2 of the document indicating guidelines for maximum traffic volumes is attached. The guideline indicates a maximum volume of 2000 vpd or 150 vph for local streets and 8000 vpd or 800 vph for collector streets.

The point of most probable impact to local traffic is at the intersection of South 91st Street and Rogers Avenue.

We have attached a spreadsheet computation of the Trip Generation Rates for the overall study

4X

area.

The computation indicates that the total daily trips will be 3922 vpd, the peak PM In will be 241 vpd, and the peak PM Out will be 175 vpd.

STATEMENT

Our study indicates that the projected traffic for the South 91st Street/ Rogers Avenue intersection fall within the allowable ranges for ITE peak volumes for a collector street. The total peak hour traffic projected to be generated by the proposed development is 241.

GUIDELINES

1. Neighborhood streets are defined as local or collector streets within or adjacent to designated neighborhoods with abutting land uses that are at least 85 percent residential when considered in segments of one-quarter mile.
2. Traffic volumes on neighborhood streets should be consistent with the density of residential development that is served by a particular neighborhood street. According to data assembled by the Institute of Transportation Engineers, single family detached residences serve as origins or destinations for five to twenty trips on a typical workday. As a general guideline, traffic volumes on neighborhood streets (total for both directions) should not exceed:

- Local Street, Low Density - 1,000 vehicles per day or 75 vehicles per hour.
- Local Street, High Density - 2,000 vehicles per day or 150 vehicles per hour.
- Collector Street - 8,000 vehicles per day or 800 vehicles per hour.

Neighborhood streets with traffic volumes near or in excess of these guidelines may benefit from a study to develop, implement, and evaluate possible remedial actions.

3. Vehicle speeds (85th percentile speeds established by radar or equivalent methods) on neighborhood streets generally should be:

- Local Street - 25 miles per hour.
- Collector Street - 30 to 35 miles per hour.

Traffic speeds in excess of these guidelines normally indicate the need for increased police enforcement and/or a study to develop, implement, and evaluate remedial actions.

4. Neighborhoods, areas, or residences experiencing "unwanted" traffic volumes on neighborhood streets may benefit from a study to develop, implement, and evaluate remedial actions.

"Unwanted" traffic is defined as:

- Traffic using a neighborhood street as a shortcut or detour.
- An excessive volume of traffic on a neighborhood street that should normally be served by an arterial roadway.
- Traffic operating at excessive speeds.
- Vehicles with origins or destinations outside of the neighborhood or area.

42-1

Trip Generation Rates from the 8th Edition ITE Trip Generation Report

Instructions:
 Enter Numbers into the "Expected Units"
 in the Corresponding Yellow Column

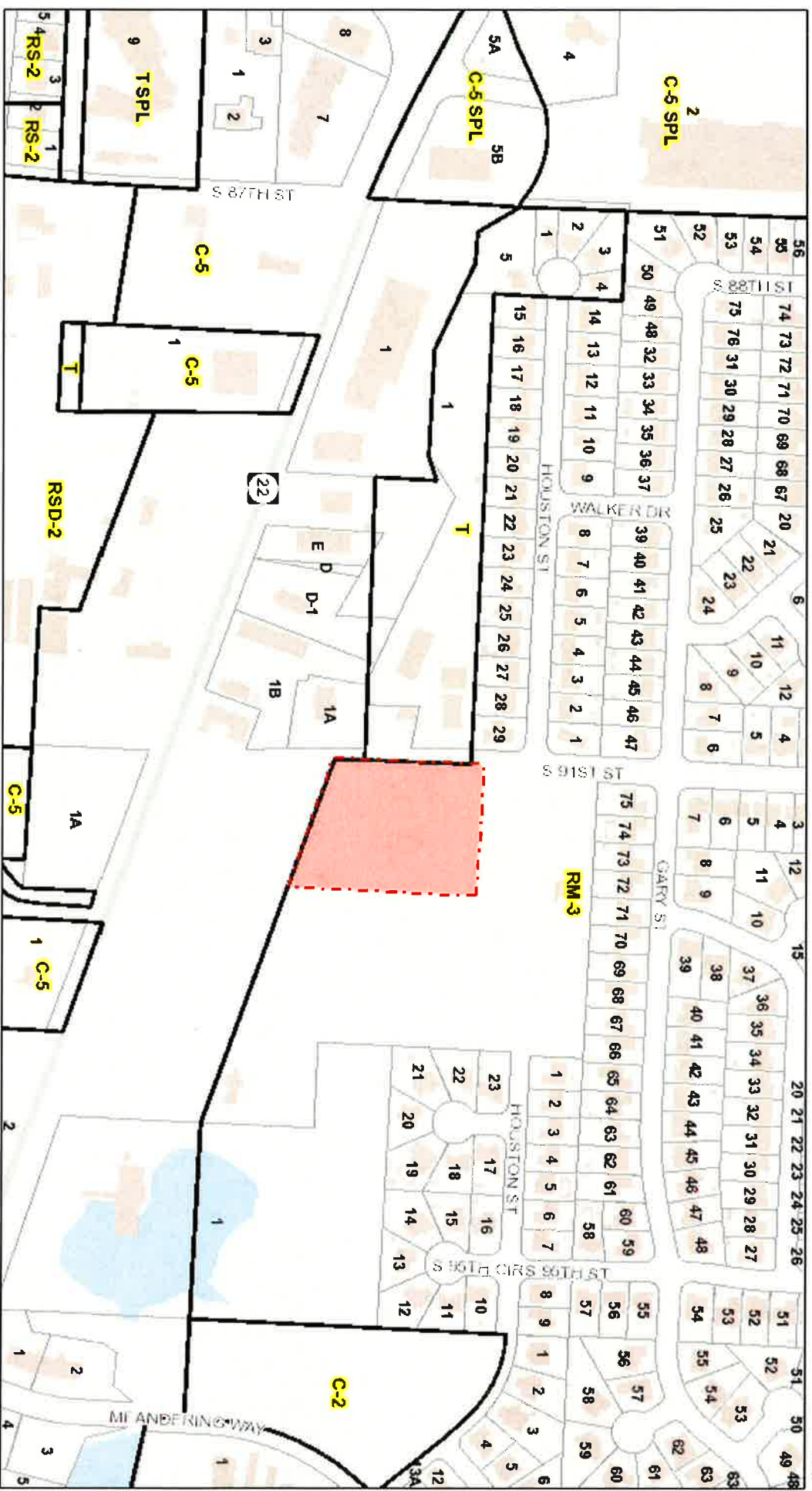
NA: Not Available
 DU: Dwelling Unit
 KSF²: Units of 1,000 square feet
 Fuel Position: # of vehicles that could be fueled simultaneously
 Occ: Room, Occupied Room

Description / ITE Code	Units	PM Peak Period Rate	% PM In	% PM Out	Expected Units (Independent Variable)	Calculated Daily Trips	PM Peak Trips - Total	PM In	PM Out	Notes
Single Family Homes 210	DU	1.01	63%	37%	258.0	2,489	261	164	96	
Apartment 220	DU	0.62	65%	35%	24.0	160	15	10	5	
Multipurpose Rec. Facility 435	Acres	5.77	NA	NA	3.8	343	22	0	22	Boys & Girls Club
Health Club 492	KSF²	3.53	57%	43%	9.5	313	34	19	14	Rock Climbing Center
Church 560	KSF²	0.55	48%	52%	68.0	619	37	18	19	Two Churches
Single Tenant Office Bldg 715	KSF²	1.72	15%	85%	1.5	17	3	0	2	State Farm Insurance
Dining Place 925	KSF²	11.34	69%	34%	4.0	0	45	30	15	Recovery Room

TOTALS 3922 416 241 175

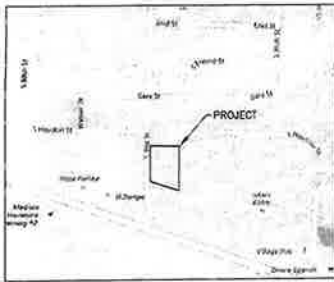
Rezoning #3-2-17: From Residential Multifamily Medium Density (RM-3) to Planned Zoning District (PZD) at 3625 South 91st Street

42-2



January 23, 2017

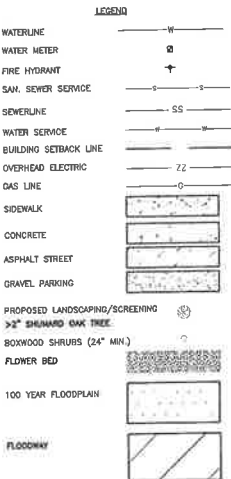
- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints
- Parks



ADDRESS: 3625 SOUTH 91ST STREET

ZONING: CURRENT = RM-3 (RESIDENTIAL MULTIFAMILY MEDIUM DENSITY)
PROPOSED = P20

AREA: 94,090 Sq. Ft. or 2.16 Acres
LOT COVERAGE: 28,125 Sq. Ft. = 30%



FLOOD ZONE STATEMENT
A PORTION OF THE PROPERTY IS LOCATED IN ZONE "AE", BEING UNDER THE 100 YEAR FLOOD ZONE, AS GRAPHICALLY DEPICTED ON F.I.R.M. MAP NO. 0513100130F, DATED MARCH 2, 2012.

CERTIFICATION

I, Ronald H. Bixey, hereby certify by my signature and seal that to the best of my knowledge, this plan conforms to the standards of the City of Fort Smith, Arkansas Unified Development Ordinance (Ordinance No. 38-08) as adopted on May 19, 2009, including subsequent revisions and amendments in 2016.

INTERIOR PARKING - HEALTH CLUB 10 + 1 SPACE/200 SF IN EXCESS OF 1000 SF
10 + (9500 - 1000)/200 = 52.5 SPACES REQUIRED

INTERIOR PARKING LANDSCAPING - 17,445 SQ. FT. VEHICLE USE AREA / 1158 SQ. FT. INTERIOR LANDSCAPING PROVIDED
INTERIOR LANDSCAPING WILL BE VEGETATED IN MIXED FLOWERS AND BE IN ISLAND FORM AS DEPICTED.

LANDSCAPE MAINTENANCE - ALL LANDSCAPED AREAS WILL BE MAINTAINED IN ACCORDANCE WITH THE LANDSCAPE MANAGEMENT PLAN.

PARKING LOT LANDSCAPE SCREENING SHALL CONSIST OF SHRUBS OF AN EVERGREEN NATURE, BE AT LEAST 24 INCHES TALL AT THE TIME OF PLANTING, BE SPACED CLOSELY ENOUGH TOGETHER SO AS TO CREATE A SEAMLESS ROW OF SCREENING, AND REACH THE REQUIRED HEIGHT OF 3 FEET ABOVE THE FINISHED ELEVATION OF THE PARKING LOT WITHIN 24 MONTHS.



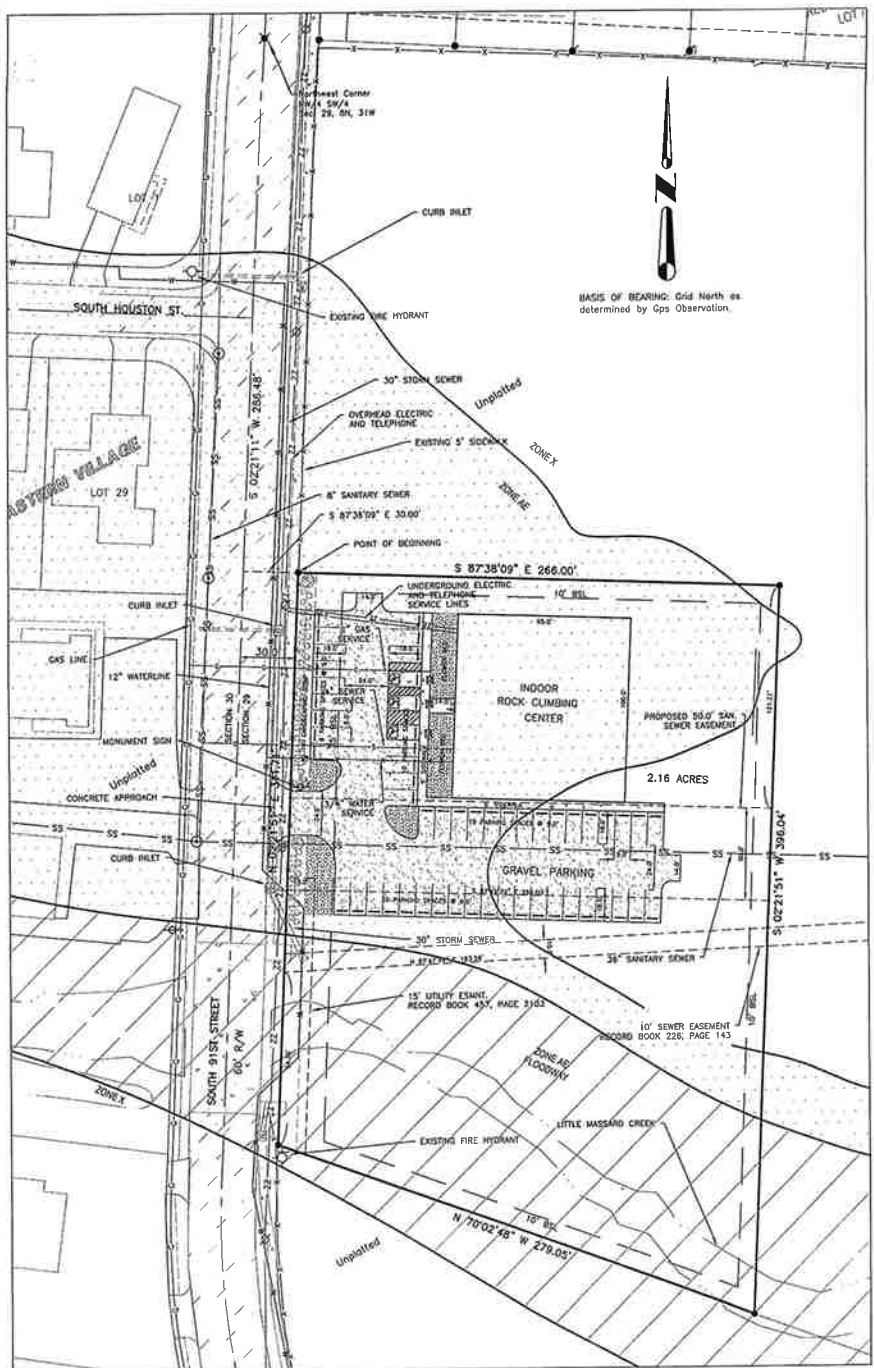
TRASH COLLECTION
ALL WASTE AND TRASH WILL BE COLLECTED AND KEPT INDOORS EXCEPT ON TRASH PICKUP DAYS.

EXTERIOR LIGHTING
ALL EXTERIOR LIGHTING WILL COMPLY WITH UDO SECTION 27-602-5.

SIGNAGE
ALL PROPOSED SIGNS WILL BE PERMITTED SEPARATELY

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ALL RIGHTS RESERVED.

BRIXEY ENGINEERING & LAND SURVEYING, INC.
CONSULTING ENGINEERS .. LAND SURVEYORS
2323 East Highway 45 P.O. Box 6180 Fort Smith, Arkansas 72906 (479) 649-5564



SURVEYOR'S CERTIFICATE

I, Ronald H. Bixey, hereby certify that this plot correctly represents a boundary survey of the subject property based upon record data.

SURVEY DESCRIPTION:

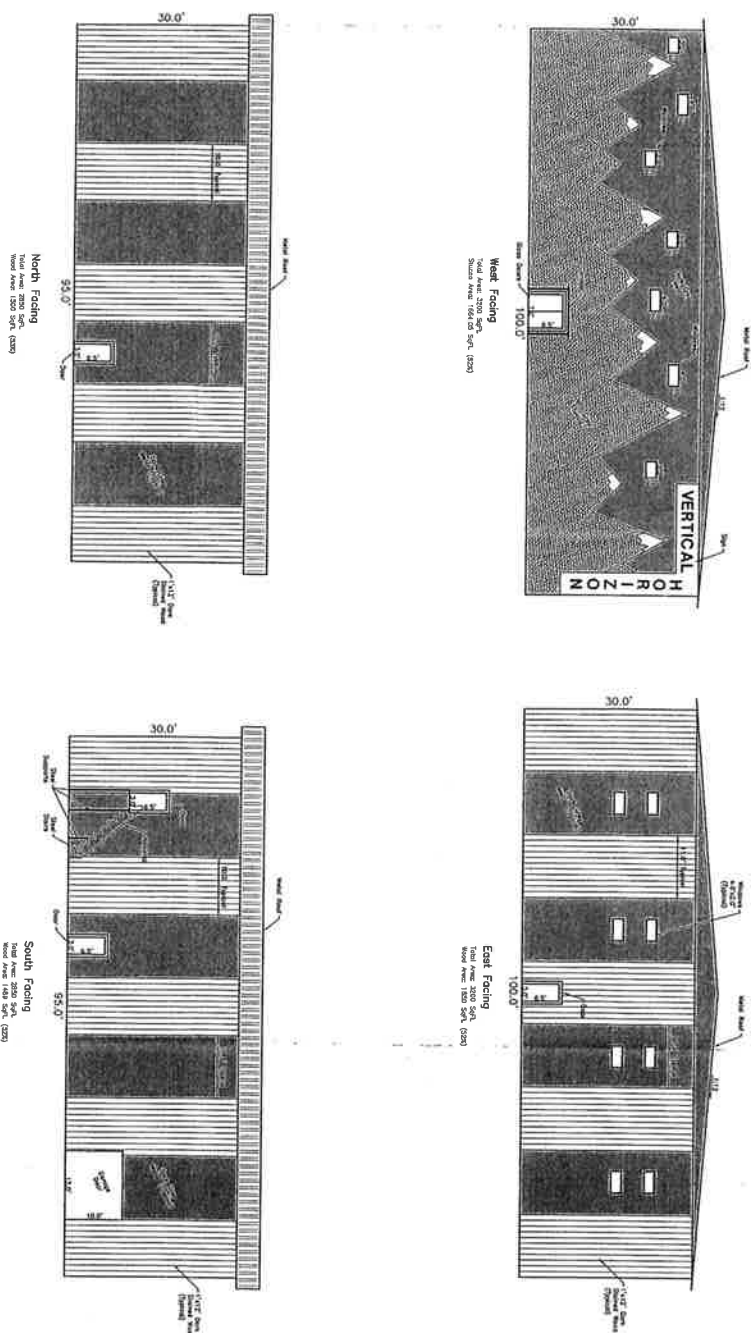
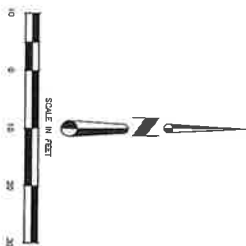
Port of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of Section 28, Township 3 North, Range 31 West, Sebastian County, Arkansas being more particularly described as follows:

Commencing at an existing railroad spike being in the centerline of South 91st Street and marking the Northwest corner of said NW/4 of the SW/4; thence S 02°21'11" W, 232.47 feet along the West line of said NW/4 of the SW/4 and said centerline; thence leaving said West line and centerline S 87°38'09" E, 30.00 feet to the East right of way line for said South 91st Street being the Point of Beginning; thence leaving said right of way line S 87°38'09" E, 266.00 feet; thence S 02°21'51" W, 396.04 feet; thence N 70°02'48" W, 279.05 feet to said right of way line; thence along said right of way line N 02°21'51" E, 314.71 feet to the point of beginning containing 2.16 Acres, more or less, being subject to public road rights of way and any assessments of record.



DEVELOPMENT PLAN 3625 SOUTH 91ST STREET CITY OF FORT SMITH SEBASTIAN COUNTY, ARKANSAS Prepared for: [Blank]		Date: 1/16/2014 Drawn by: RHB Appraised by: [Blank] Scale: 1" = 200' Sheet: [Blank]
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42-3



LEADS
 Computerized Print
 Set 1/2" pers. Pcs
 Encl. 1/2" pers. Pcs
 Set R.R. Spine
 Encl. R.R. Spine
 Set Map
 Encl. Map
 Encl. Stamp
 Encl. Memorandum
 Encl. Stamp

<p>Revisions:</p>

BUILDING ELEVATIONS
3625 SOUTH 91ST STREET
CITY OF FORT SMITH
SEBASTIAN COUNTY, ARKANSAS

Date: 01/20/2012
Drawn By: TUC
Approved: FOAB
Job No. 10-0280
Sheet

42-4



Memorandum

To: Planning Commission
From: Wally Bailey, Director of Development Services
Date: February 9, 2017
Subject: UDO Amendment to add Pharmacies and Drug Stores as
A permitted use in Industrial Districts

Mr. Storm Nolan has made a request for the Planning Commission to consider an amendment to the Unified Development Ordinance (UDO), Land Use Matrix, Appendix A. A copy of Mr. Nolan's letter is attached. After reviewing the request, the Planning Commission may initiate the proposed text amendment.

Mr. Nolan indicates he owns property that is zoned Industrial and is requesting retail pharmacies be added as a permitted use in the Industrial zoning classification for his property. Making this change will facilitate the placement of a medical marijuana cultivation facility as defined in the Arkansas Medical Marijuana Amendment in Industrial zones.

The Arkansas Medical Marijuana Amendment (AMMA) states the following:

"This amendment does not prohibit a city, incorporated town, or county of this state from enacting reasonable zoning regulations applicable to dispensaries or cultivation facilities, provided that those zoning regulations are the same as those for a licensed retail pharmacy."

The Fort Smith UDO allows licensed retail pharmacies in Commercial-1 through Commercial-6 zoning districts but they are not permitted in any of the Industrial zoning districts. The current UDO would not allow a cultivation facility in any Industrial zoning district.

Mr. Nolan describes in his letter what could be the typical construction of a cultivation facility. A cultivation facility is a source for many dispensaries such as a warehouse or distribution center might be for other goods. We believe the description of the building construction and the land use, describes an Industrial Land Use and this is not something that fits in any of our Commercial zoning districts. We agree with Mr. Nolan that cultivation facilities belong in an Industrial zone and based on the AMMA the way to allow that to happen is to allow pharmacies in Industrial zones.

The planning staff suggests the Planning Commission expand Mr. Nolan's request and allow pharmacies in all Industrial zones. The proposed amendment will allow a cultivation facility on any property zoned Industrial.

Please contact me if you have any questions.

5A



CSK hotels

Maggie Rice, MPA, Senior Planner
City of Fort Smith, Planning and Zoning Department
P.O. Box 1908
Fort Smith, AR 72902

Date Jan 25, 2017

Subject Request for code amendment

Storm Nolan
4320 Industrial Drive
Fort Smith, AR 72916
T 479.649.6909
F 206.902.4390
snolan@CSKhotels.com
CSKhotels.com

Ms. Rice;

We are requesting a code amendment for lots 30, 31, and 32 of the Regions Business Park, an Addition to the City of Fort Smith, Arkansas, according to the Plat filed October 12, 2000.

These lots are currently zoned Industrial-2. We are requesting that the code be amended for these lots to allow for a 'retail pharmacy' use, which will allow for placement of a medical marijuana cultivation facility as defined in the Arkansas Medical Marijuana Amendment, Issue 6 (2016).

In the event that we are awarded a license for a medical marijuana cultivation facility, there is a good possibility that we will opt for an enclosed greenhouse style cultivation facility.

We believe that this type of structure, surrounded by a solid wall, not viewable to the public, is a better fit with industrial-zoned land than it would be on land that is zoned for commercial use (C-2 to C-5).

Attached is a plat for reference.

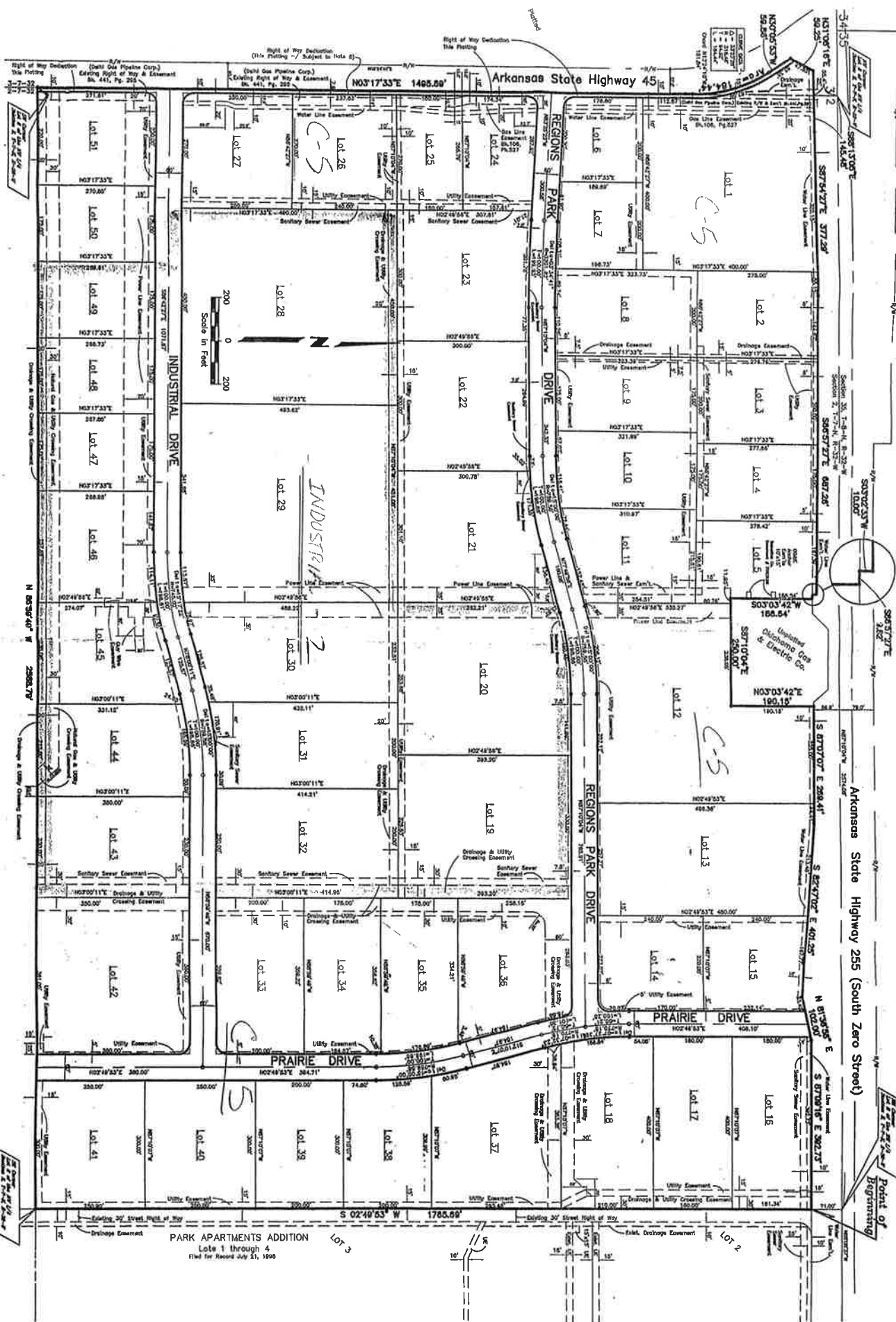
Thank you for your consideration.

Respectfully,

A handwritten signature in blue ink, appearing to read "Storm Nolan".

Storm Nolan

5B



50

50

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: January 30, 2017

Re: Conditional Use #3-2-17 - A request by Hoa Tran, owner, for Planning Commission consideration of a Conditional Use request to develop a convention/event center located at 4000 North O Street

PROPOSED CONDITIONAL USE

The conditional use if approved will allow for one of the empty suites located at 4000 North O Street to be rented and utilized as a convention/event center to hold birthday parties, weddings, and other special events. No site changes are proposed.

LOT LOCATION AND SIZE

The subject property is on the south side of North O Street between North 39th Street and North 41st Street. The tract contains an area of 5.28 acres with approximately 489 feet of street frontage along North O Street, 490 feet of street frontage along North N Street and 480 feet of street frontage along North 41st Street.

EXISTING ZONING

The existing zoning on this tract is Commercial Light (C-2).
Characteristics of this zone are as follows:

Purpose:

To provide office, service, and retail activities that are located within buffer areas near the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 zoning district is intended to accommodate well designed development sites and shall provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between Commercial and Residential land uses. C-2 zoning is appropriate in the Commercial Neighborhood, General Commercial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

6A

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-2 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto detailing, lawn and garden supplies, bicycle sales and service, beer, wine and liquor store, convenience store, restaurants with outdoor dining, pet cemetery, pet shop, mail services, commercial communication towers, utility substations, event center, community recreation center, golf course, parks, educational facilities, police station, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 7,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Building Size – 30,000 square feet	Maximum Lot Coverage - 60%
Minimum Parcel/Lot Size – New District (By Classification) – 42,000 square feet	
Minimum Parcel/Lot Size – Existing District (By Extension) – 7,000 square feet (one lot)	
Minimum Lot Width – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 10 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Collector or higher	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Light (C-2) and Residential Single Family Medium/High Density (RS-3) and are developed as a salon/barber shop, and single family residences.

The area to the east is zoned Residential Single Family – Duplex Medium/High Density (RSD-3) and is developed as single family residences.

The area to the south is zoned Residential Multifamily Medium Density (RM-3) and is developed as single family residences.

The area to the west is zoned Residential Multifamily Medium Density (RM-3) and Commercial Light (C-2) and is developed as single family residences and a convenience store.

LB

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies North O Street as a Major Collector, North N Street as a local road, and North 41st Street as a local road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Commercial Neighborhood. This classification is intended to provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – The site will continue to use the existing entrance and exit points. Two driveways located on North O Street, one driveway located on North 41st Street, and the last truck entrance located on North N Street.

Landscaping – No new landscaping is proposed. However the site has existing landscaping along North 41st Street and some existing trees along North O Street.

Parking – The parking lot is vast and has plenty of parking to accommodate the new use and existing uses.

Signage – No new signage is proposed at this time.

Lighting – No new lighting is proposed.

6C

NEIGHBORHOOD MEETING

A neighborhood meeting was held on January 20th, 2017 at 2:00 P.M. on site. No neighboring property owners attended the meeting.

STAFF COMMENTS AND RECOMMENDATIONS

Staff has received phone calls or letters from four surrounding property owners expressing concern over the proposed use relative to trash, underage drinking, and drug use. Additionally, the police department provided comments and ultimately requested the use be denied. All of the correspondence is enclosed in the packet.

If the Planning Commission is inclined to approve the use staff would recommend the following comment:

1. All dumpsters on site shall be screened by an opaque screening fence and be accessible by the Fort Smith Sanitation Department.

Conditional Use # 3-2-17

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: HOA TRAN

Name of Authorized Agent (if applicable) N/A

Legal Description of property included in the conditional use request:

LOT 1 Subdivision: pine plaza

Street Address of Property:

4000 N. OST Fort Smith AR 72904

Existing Zoning Classification:

C2

Proposed Zoning Classification (if applicable):

N/A

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

T'S EVENT wedding & birth day

What amenities are proposed such as landscaping and screening?

NONE

HOA TRAN
Owner or Agent Name (please print)

4000 N. OST
Owner or Agent Mailing Address

479 769 0047
Owner or Agent Phone Number

Signed:

[Signature]
Owner
Or

Agent

6E

Feb. 7, 2017

To: The Ft Smith Planning Commission

From: Doug Skokos, Ph #: 479-561-7591

Re: North "O" Events Center

I would like to voice my reservations and the reasons I am opposed to this proposal. I foresee now or in the future, events and/or parties that would disturb the tranquility of the neighborhood. And having been at my house at 4106 MacArthur on occasion late in to the night, I can attest to the almost eerie dead silence that exists in the neighborhood.

Inevitably, allowing parties anywhere leads to late nights, loud music, and drinking (whether allowed by law or not), as well as disturbances of one sort or another outside. I know that many times the gatherings would be well-mannered, but allowing this zone change "opens the door", if you will, to problems.

Thank you.



Doug Skokos

I am not recommending approval, but I am recommending, if approved, to have strict time limits on hours of operation, 9 PM might be reasonable on weeknights, and 10 PM might be OK on weekends.

6 F

Rice, Maggie

From: Rice, Maggie
Sent: Wednesday, February 01, 2017 12:00 PM
To: Planning Email Group
Subject: 4000 North O Street

Tommye Howes, 3920 Victory, is opposed to the event center. She's opposed because there is enough riff raff in the area now and they do not need any more. There is already a party room located in the park. She stated she will be putting her house on the market. Further, she the neighborhood is going down and the ones that are still living there are too old to move.

She can be reached 479-650-6923.

I'll place a copy in the file.

Maggie

Miller, Perry

From: Miller, Perry
Sent: Tuesday, January 31, 2017 3:15 PM
To: Planning Email Group
Subject: 4000 North O Street Event Center

Phillip Morris at 1455 North 40th Street called to talk about the Planning Commission item. He mentioned at this time he doesn't have any complaints against an event center. However, he would like to mention that he has had to pick up trash that blows into his yard from the Family Dollar dumpster. He has also mentioned that people illegally dump in the dumpster. Maybe now this would be a good time to ask for dumpster screening.

This is not in the staff report yet, but do you want to add it for staff comments?

I will put a copy of this e-mail inside the file and the packet.

Thank you,

Tyler Miller
Planner City of Fort Smith
623 Garrison Avenue
Fort Smith, AR 72901
479-784-2241

Joy Hance
1512 N. 41st St.
Fort Smith, AR 72904
February 5, 2017

City of Fort Smith
Planning Division
623 Garrison Ave., Rm 331
Fort Smith, AR 72901

RE: Conditional Use Request for Convention/Events Center at 4000 North O St.

To whom it may concern:

I live across the street, east of the Asian Center, and I am asking you to deny their request for the following reasons:

To begin with, they have already been operating the property as an event center for some time; only recently did they quickly shut down when the police had to come in and put a stop to regular, weekly parties being thrown for teenagers with no admission charge, where they were served free alcohol, pot was being sold in the parking lot, and drunken, stoned teenagers were having sex in back of the complex. Arrests were made, so you should acquaint yourselves with the police descriptions of what they found. There was, as usual, absolutely no control over what was happening in the parking lot at large, and there were always multiple vehicle configurations of people playing loud music and drinking. I encourage you to speak with the long-term employees at Family Dollar who had to endure the worst of it.

This is not the only non-conforming usage of the property that we have had to endure. When the current owners first bought the property they immediately allowed a Mexican truck line to establish a base of operations out of the parking lot. The trucks were making runs between the border and that parking lot. Even though it was obvious what was going on, it fell to the property owners to force the City to get this stopped.

Then they established a used car lot all across the front of the parking lot on North O. Once again, we had to plead with the City to get them to conform, and this situation comes and goes.

This once beautiful property has now become the most filthy I have ever seen anywhere, anytime in a commercial building complex. They refuse to pick up their garbage, and, since we are immediately downwind, we have to pick it up off our front yard two to three times A DAY. I finally gave up trying to get the City to help with this because they simply will not. If you are on the Planning Commission, please, go walk around that property and see for yourself. You can't believe it until you are actually walking through it. Naturally, I do not care for there to be any more 'events' there just for the added garbage that I will have to pick up off my front lawn, but also because of the noise, loud music from the separate parties, drug dealers roaming the parking lot, and a total lack of security. But again, the abject filth is really something you should go and see.

67

February 5, 2017

NO CONDITIONAL USE PERMIT TO THE ASIAN CENTER PROPERTY

Page 2

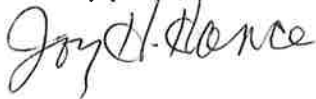
Of very great concern is their sewer line problems. Be very certain that you thoroughly acquaint yourselves with their sewer line problems before you sanction any more large events to take place there; otherwise, you might be courting a lawsuit, and you may take this letter as fair warning of that. When you look at the City sewer line maps for this property you will see that there is just one single sewer line pipe going down the west side of the property. That is not reality. Reality is that there are at least two other pipes or tunnels running east-west that are very old and the Sewer Department refuses to come up with the old maps that might identify them. Those pipes or tunnels apparently run under N. 41st Street and under my home, and when the Asian Center was 'redeveloped' five years ago, they were tapped into for carrying sewage. As a result, we have had a steady flow of sewage smells from the Asian Center and Al's Barbeque coming up into our home. It appears that the Sewer Department knows how to get this stopped because when I tell them that the human urine smell has become unbearable again they manage to get that stopped.

When you walk the property, look into the windows at the facility that was built and completely furnished for a hair and nail salon. After spending a lot of money on that, they abandoned the site and it now collects dust, dirt and garbage. I assume they were told they could not open because of the sewage problems. Right after they abandoned the hair and nail salon is when they began having 'events'.

The owners of the Asian Center property have demonstrated a lack of respect for the laws, codes and ordinances of the City of Fort Smith. But more than anything else, they clearly have no respect for the property owners surrounding them.

If you issue them a conditional use permit for this event mess to start back up again, I will be in your offices, in-boxes and mail boxes to complain every single time they step out of line, and if history repeats, that should be at least two or three times per week.


Sincerely yours,



Joy H. Hance

P.S.: The site plan you provided is very old and should have been updated, especially since it has the wrong owner listed. Also, I find it very odd that the name of the property, Truong Son Asian Center, does not appear on any document you sent out.

cc: Planning Commission Members



Rice, Maggie

From: Johnson, Jimmie
Sent: Thursday, February 09, 2017 7:10 PM
To: Rice, Maggie
Cc: Roddy, Bob; Wegrzyn, Michael
Subject: RE: 4000 North O Street

We have researched this property and cannot find a record of the lines that are referred to. We have asked for access to Ms. Hance's house to investigate the smells but were denied. The sewer line on the east side of Ms Hnace's house is under contract to be replaced. If you need more details please contact Michael Wegrzyn.

Jimmie

From: Roddy, Bob
Sent: Thursday, February 9, 2017 3:17 PM
To: UtilityManagement
Subject: FW: 4000 North O Street

From: Rice, Maggie
Sent: Thursday, February 9, 2017 3:16:35 PM (UTC-06:00) Central Time (US & Canada)
To: Johnson, Jimmie; Roddy, Bob
Cc: Bailey, Wally
Subject: 4000 North O Street

Bob and Jimmie:

The Planning Commission will be taking action on a conditional use application for an event center on Tuesday evening. The attached letter was received this morning. The first paragraph on the second page of the letter references some sewer line issues. The Planning Commission packet will go out tomorrow and the letter will be included. If possible, we would like to include a response from the utility department. If you have any questions or I can be of assistance please do not hesitate to ask.

Thanks,

Maggie L. Rice, MPA, Senior Planner
City of Fort Smith
P.O. Box 1908
Fort Smith, AR 72902
479-784-2266
479-784-2462 (Fax)

To: Maggie Rice

From: Sgt. Don Cobb – Fort Smith Police Department

Re: 4000 North O St.

In reference to your request concerning the Fort Smith Police Department's (FSPD) call history at 4000 North O St. I can state the following:

- In 2016 FSPD made four arrests at the location. Three of those arrests were the direct result of officers interacting with juveniles that were at the location and participating in a party type event. The other arrest involved an adult subject that was found in the parking lot passed out in his vehicle.
- In 2016 one offense report was generated at the address concerning the Unauthorized Use of a Motor Vehicle. It is highly likely that this call was generated because a vehicle was taken from the location without the permission of the owner.
- When searching the police department's records management system there are several calls that are connected to 4000 North O St.; however, they are vehicle stops, alarm calls, and other non-violent type calls that may not be directly associated with the address beyond the fact that an officers happens to make a traffic stop or encounter a subject at that address.
- In 2016 the department had twenty-seven instances where officers were hired on an off-duty basis to work events that were taking place at 4000 N. O St. During the vast majority of these events nothing of note occurred.

I must note that the above numbers do not reflect the totality of circumstances whereas 4000 North O St is concerned. In the instances above where juveniles were arrested, these arrests occurred in part because the juveniles were possibly involved in the consumption of alcohol or other intoxicating substances. Units within the department have indicated that there was a possible connection between this location and the selling of drugs and/or alcohol to minors.

Based on all the information available to the department we would recommend that 4000 North O St not be granted a business permit that would allow an event venue to operate.

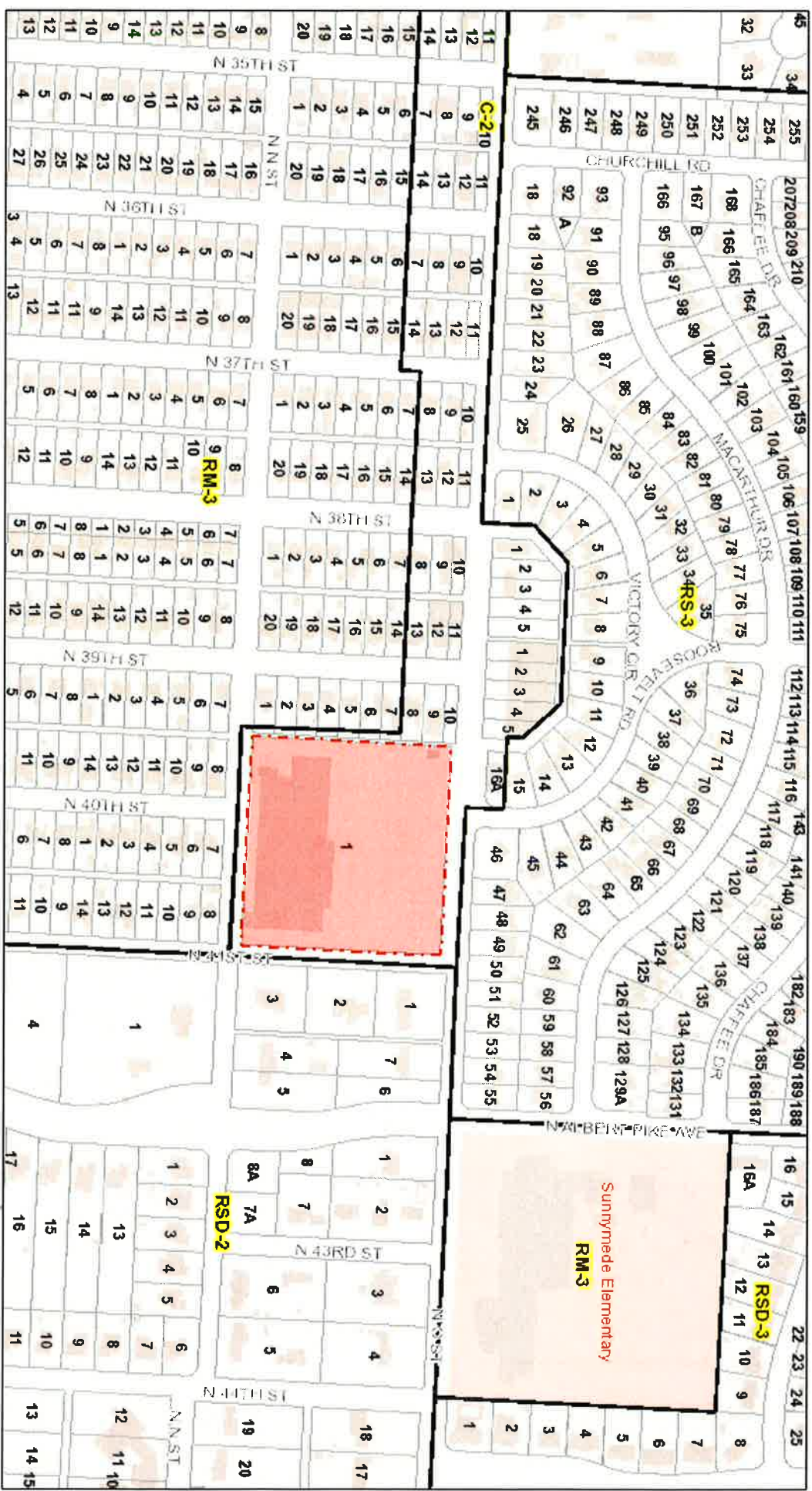
Respectfully,

Sgt. Don Cobb - FSPD

62

Conditional Use #3-2-17: Convention/Events Center 4000 North "O" Street

W2



January 23, 2017

- ☐ Fort Smith City Limits
- ☐ Zoning
- ☐ Subdivisions
- ☐ Building Footprints
- ☐ Parks





English Addition

But Grave Digger

10. *Other* _____

FLOOD INFORMATION:
FLOODING NOT IN THE AREA OF THIS HOME.

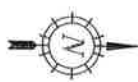
TO THE PUBLIC RECORDS:
LOT 1, FIRST CLARK EIGHTH ON, AN ADDITION TO
THE CITY OF FORT SMITH, SEBASTIAN COUNTY,
ARKANSAS.

6N

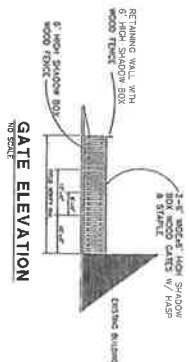
[illegible]

NO. '0' STREET

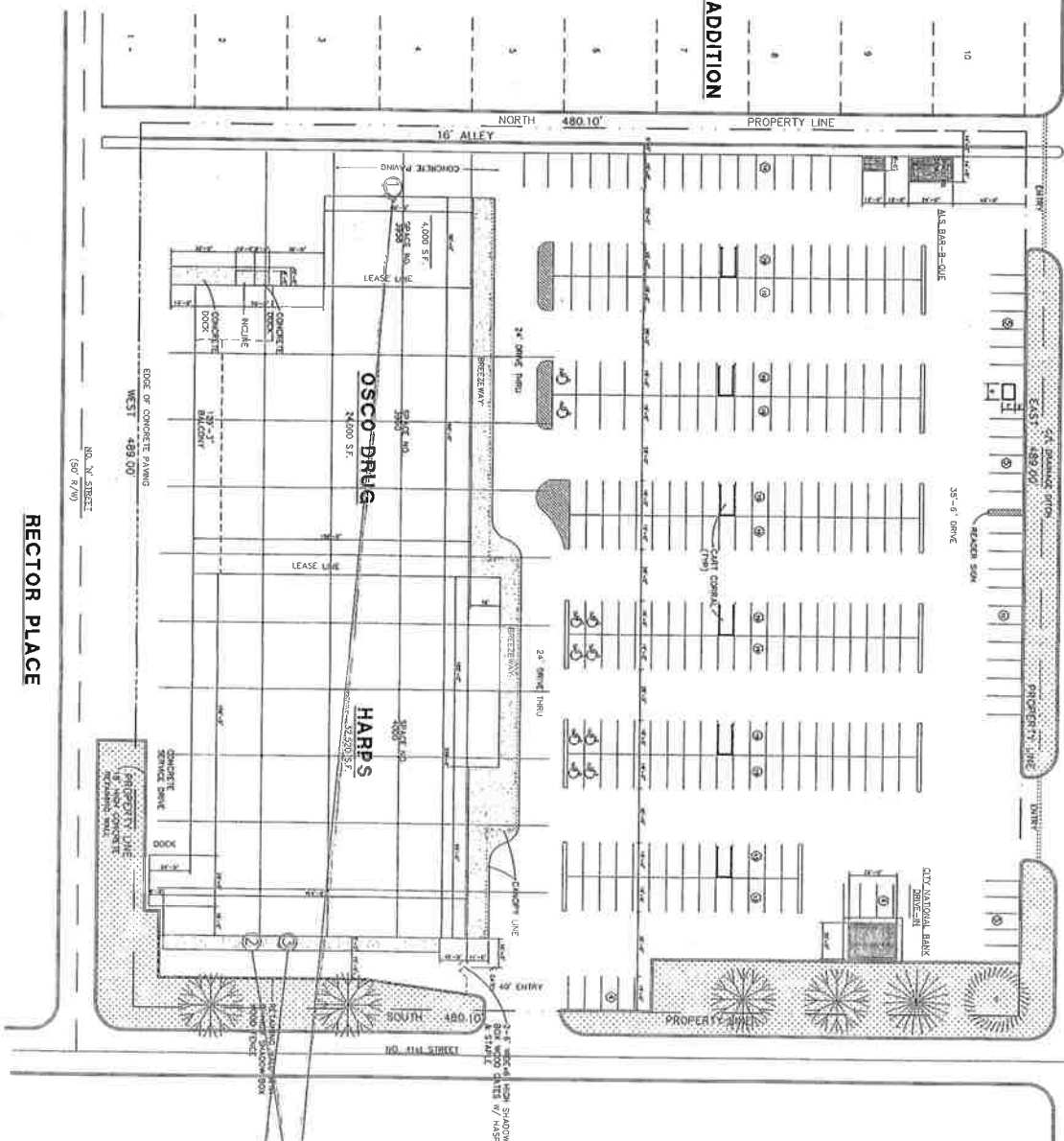
FORD'S PINE
KNOLLS ADDITION



SCALE: 1"=30'



PROPERTY LINE



ELECTRICAL METER LOCATIONS

	TENANT	METER #	METER NAME	LOCATION
1	WISANT	8142000	SANGAMO	WEST SIDE OF BLDG
2	HARPS	SN62702070	O.E. #00	EAST SIDE OF HARPS
3	OSCO	SN50708864	O.E. 120	EAST SIDE OF HARPS

SITE PLAN

SCALE: 1"=30'

RECTOR PLACE

SITE PLAN

**PINE PLAZA
SHOPPING CENTER**

NO. 0 STREET and NO. 41st STREET
FORT SMITH, ARKANSAS

WARMACK & COMPANY
650 CENTRAL MALL
FORT SMITH, ARKANSAS

TELEPHONE: 501-452-1000 FAX: 501-452-1068

SP-1

OWNERS/USERS SHOWN IN THESE CONTRACT DOCUMENTS SHALL TAKE RESPONSIBILITY OVER SCALE



SUBJECT DESCRIPTION:
LOT 1, PINE PLAZA ADDITION, AN ADDITION TO
THE CITY OF FORT SMITH, SEBASTIAN COUNTY,
ARKANSAS.

FLOOD INFORMATION:
PROPERTY NOT IN 100 YEAR FLOOD ZONE
ZONE PANEL NO. 055013 0010 0,
DATED: JULY 16, 1991

Arkansas -- Oklahoma

P.O. Box 129

Van Buren, Ar 72957

(479)-474-4247

Fox (479)-410-5333

e-mail: andersonsurveying@cox.netFORT SMITH, SEBASTIAN COUNTY, ARKANSAS
CITY OF

NOV 11 1991
PINE PLAZA SHOPPING CENTER

LOT 1, PINE PLAZA ADDITION

FOR USE BY:

FOR USE BY:
Warmack & Co.
01-05

100

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: January 30, 2017

Re: Conditional Use #4-2-17 - A request by Julio Aldana, agent for Vasiliki Investments, for Planning Commission consideration of a Conditional Use request for a church located at 2716 Towson Avenue

PROPOSED CONDITIONAL USE

The conditional use if approved will allow the applicant to utilize the existing building located at 2716 Towson Avenue as a church.

LOT LOCATION AND SIZE

The subject property is on the west side of Towson Avenue between South Y Street and Country Club Avenue. The tract contains an area of 0.3 acres with approximately 95 feet of street frontage along Towson Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

7A

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 30 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Minor Arterial or higher	

SURROUNDING ZONING AND LAND USE

The areas to the north, south, and east are zoned Commercial Heavy (C-5) and are developed as auto dealer, auto repair, and general offices.

The area to the west is zoned Industrial Light (I-1) and is developed as a distributing warehouse and contractor shop and storage yard.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

7B

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Towson Avenue as a Major Arterial.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial. This classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community.

SITE DESIGN FEATURES

Ingress/egress/traffic circulation – All ingress and egress will occur at the existing entrance located on Towson Avenue.

Parking – The applicants plan to utilize the sites existing parking. They plan to only provide the correct amount of seating based on the existing parking spaces.

Signage – No new signage is proposed at this time.

Lighting – No new site lighting is proposed.

Setbacks – The building is existing and no changes are proposed.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Friday, February 3rd onsite. No surrounding property owners were in attendance.

STAFF COMMENTS AND RECOMMENDATIONS

This property has 12 parking spaces onsite. The parking requirements for a church are four people per one space thus allowing a congregation of 48 people. At this time, the church has 24 members. Should they expand beyond 48 people a shared parking agreement will need to be pursued.

Staff recommends approval of the application contingent upon the occupancy limitation of 48 unless additional parking is secured.

Conditional Use # 4-2-17

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Visiliki Investments

Name of Authorized Agent (if applicable) Julio Aldana

Legal Description of property included in the conditional use request:

see attached

Street Address of Property: 2716 TOWSON AVE.
FORT SMITH AR

Existing Zoning Classification: C-5

Proposed Zoning Classification (if applicable):

n/a

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Church for 25 members

What amenities are proposed such as landscaping and screening?

n/a

Julio Aldana
Owner or Agent Name (please print)

P.O Box 4518
Owner or Agent Mailing Address

479-420-5341
Owner or Agent Phone Number

Signed:

Owner


Agent

70

Conditional Use #4-2-17: Church 2716 Towson Avenue

111
C



January 23, 2017



Fort Smith City Limits



Zoning



Building Footprints



Parks



Subdivisions



Memo

To: City Planning Commission

From: Planning Staff

Date: January 31, 2017

Re: Variance #7-2-17 - A request by Steven Beam, owner, for Board of Zoning Adjustment consideration of a zoning variance request from: 1) 20 feet to 5 feet interior side yard; 2) from 20 feet to 0 feet rear yard setback; and 3) from 20 feet to 10 feet interior side yard setback at 7201 South 28th Street

REQUESTED VARIANCE

Approval of the variance will allow the owner to construct two metal buildings/pole barns to protect construction equipment from the weather. Each building will consist of a 4,800 s.f. metal panel building. The variances for setbacks are to accommodate truck and trailer maneuverability and location of existing site improvements.

LOT LOCATION AND SIZE

The subject property is on the east side of South 28th Street between Cavanaugh Road and Hwy 71. The tract contains an area of 1.28 acres with approximately 25 feet of street frontage along South 28th Street.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1) and Commercial Heavy (C-5). Characteristics of these zones are as follows:

Industrial Light (I-1)

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

Commercial Heavy (C-5)**Purpose:**

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear (adjoining SF Residential District/Development) – 30 feet	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Minor Arterial or higher	

SURROUNDING ZONING AND LAND USE

The areas to the north and east are zoned Commercial Heavy (C-5) and developed as a vacant oil and gas equipment sales and service and a manufactured home and mobile home sales and service.

The area to the south is zoned Industrial Light (I-1) and developed as an oil and gas equipment sales and service.

The area to the west is zoned a Planned Zoning District and is developed as a tire sales and service and tire retreading business.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South 28th Street as a future Major Collector.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as General Commercial and Park/Open Space/Floodway. The General Commercial classification is intended to provide opportunities for business transactions and activities, and meet the consumer needs of the community. The Park/Open Space/Floodway classification is intended to provide for the open space and recreation needs of the region, and protect the regions natural resources, water quality and development investments.

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APPLICANT HARDSHIP

The applicant has attached an explanation for each variance regarding the hardship. According to the applicant, the size of the structures is needed to shelter all of the vehicles and equipment. The applicant also states the variances are necessary so that the buildings can be situated to accommodate the needed truck and trailer maneuverability. The applicant's complete hardship statement is enclosed.

NEIGHBORHOOD MEETING

A neighborhood meeting was held on Monday January 30, 2017 on site. No neighboring property owners attended the meeting.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

If the BZA is inclined to approve the variances, staff recommends approval with the following comment:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 of the UDO (*copy enclosed*). Any changes greater than those described in this section will require Planning Commission approval.

27-330-7 Amendments to Preliminary Development Plans

Once a preliminary plan has been approved, significant changes may be made only after approval of a revised preliminary development plan. This requires re-submittal of the application through the same procedural requirements of the original application. Changes that are not considered significant pursuant to Section 27-331-7(a) may be approved at the Director's discretion. Disapproval of the changes may be appealed to the Planning Commission.

B. **Criteria.** For the purposes of this section, significant changes shall be determined by the Director. Significant changes shall mean any of the following, provided they are still within the approved standards of the applicable zoning district.

1. Increases in density or intensity of residential uses by more than 5%;
2. Increases in total floor area (entire plan) of all non-residential buildings by more than 5% or 5000 square feet, whichever is less;
3. Increases of lot coverage by more than 5%;
4. Changes to the architectural style that shall make the project inconsistent with previous approvals;
5. Changes in ownership patterns or stages of construction that shall lead to a different development concept;
6. Changes in ownership patterns or stages of construction that shall impose substantially greater volumes on streets and load capacities on public facilities;
7. Decrease of more than 5% to any perimeter setbacks;
8. Decrease of more than 5% in areas devoted to open space or the substantial relocation of such areas;
9. Changes in traffic circulation patterns that will affect traffic outside of the project boundaries;
10. Modification or removal of conditions and stipulations to the preliminary development plan approval; or
11. Modifications that change, amend, or violate the terms of the Comprehensive Plan.

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 7201 S. 28th St., Existing or Proposed

Zoning Classification I1/C-5, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

<u>FROM</u>	<u>TO</u>	
_____	-	_____ Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____ Exterior Side Yard Setback
<u>20'</u>	-	<u>5' & 10'</u> Interior Side Yard Setback
<u>20'</u>	-	<u>0'</u> Rear Yard Setback
_____	-	_____ Maximum Height of Structure
_____	-	_____ Minimum Distance Between Structures on the Same Lot
_____	-	_____ Minimum Lot Area (Square Feet)
_____	-	_____ Minimum Lot Frontage
_____	-	_____ Maximum Size of a Sign
_____	-	_____ Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 20 day of January, 20 17.

Signed:

STEVE BEAM
Owner or Agent Name (please print)

Steve Beam
Owner

or

(479) 651-3153
Owner or Agent Phone Number

Agent

7201 S. 28th St. Fort Smith, AR 72908
Owner or Agent Mailing Address

Variance # _____

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VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

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Explanation of question #4 (if applicable)

see attached (next page)

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

N/A

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

same as above / see attached (next page)



7201 South 28th Street
Fort Smith, AR 72908
Phone: 479-484-1634
Fax: 479-484-1657

VARIANCE REQUEST EXPLANATION

January 20, 2017

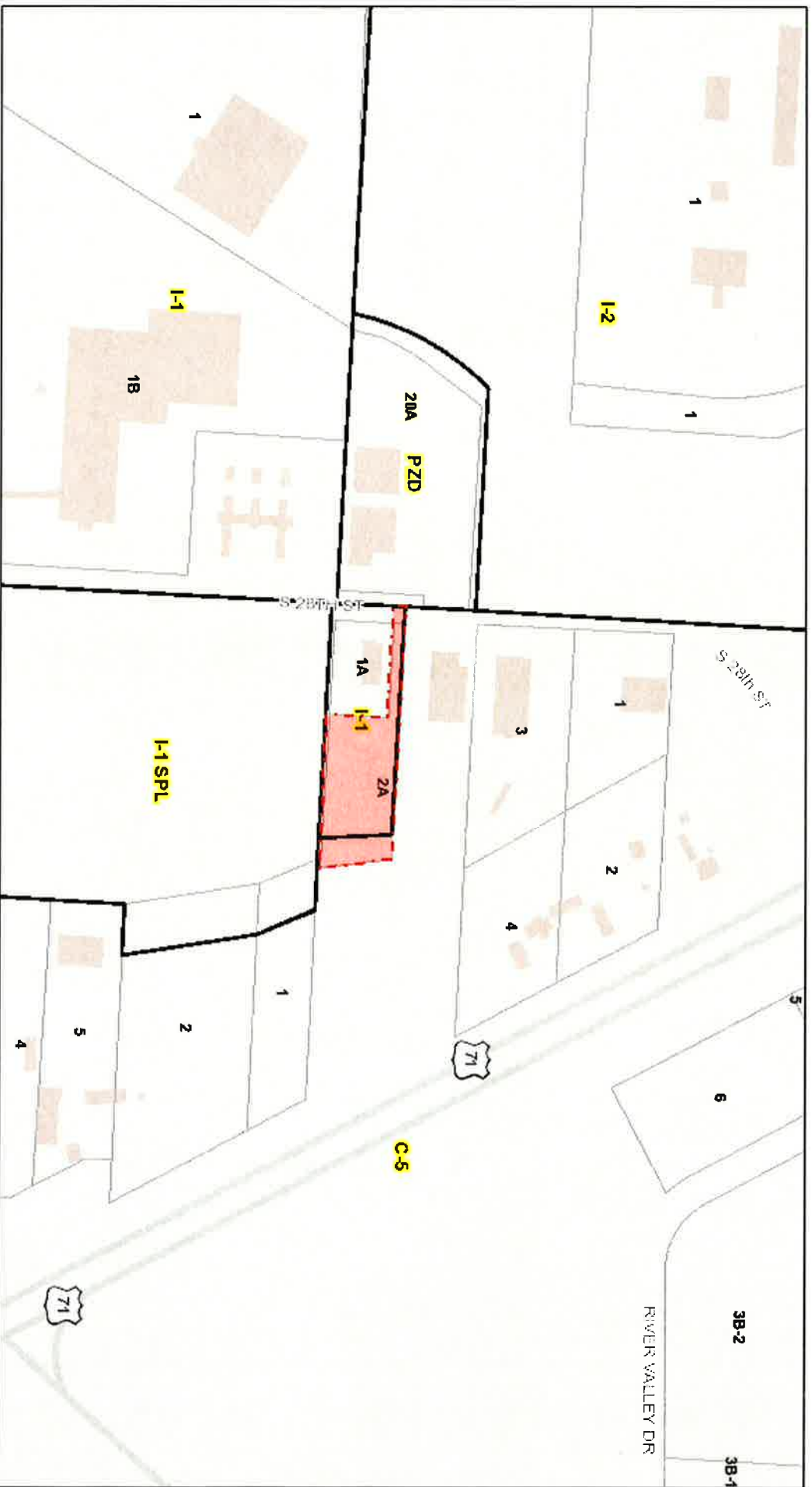
We are requesting 3 variances for the building set-backs for the parking structures named Building #1 & Building #2.

The first variance request is for a 0' set-back on the east property line. We make this request due to the size of the structures needed to shelter our vehicles and equipment. To the west of the proposed structure is existing buildings and sheds, some of which have concrete floors and moving them is not a viable option due to cost and no reasonable place to relocate on the remainder of the property. As for the property to the east, which is the adjacent property of the variance request, it is owned by Floyd Traylor Motor Company but is 100% inaccessible or usable to them. The Traylor property is separated by Mill Creek which is approximately 60' wide and 7'-8' deep with gabion basket slopes, was made further inaccessible by the installation of fence (by others) constructed during the re-channelization of Mill Creek. Furthermore, we have had a gentleman's agreement with Mr. Traylor and have been using the property since 1991.

The second variance request is to reduce the building set-back on the north property line from 20' to 5'. We make this request due to the size of the buildings needed to shelter our vehicles and equipment and the distance between the two parking structures and the narrowness of the property. If the variance is granted, there is still only 60' between the two structures and our pick-ups with trailers will measure 42'-44' long and our dump trucks and trailers measuring well over 50'.

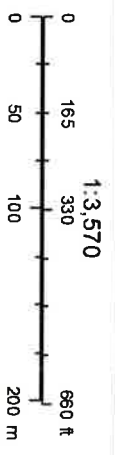
The third variance request is reduce side setback from 20' to 10' due to the same reasons as listed in the second variance request above.

Variance #7-2-17: From 20' to 5' interior side yard setback and from 20 feet to 0 feet rear yard setback 7201 South 28th Street



February 9, 2017

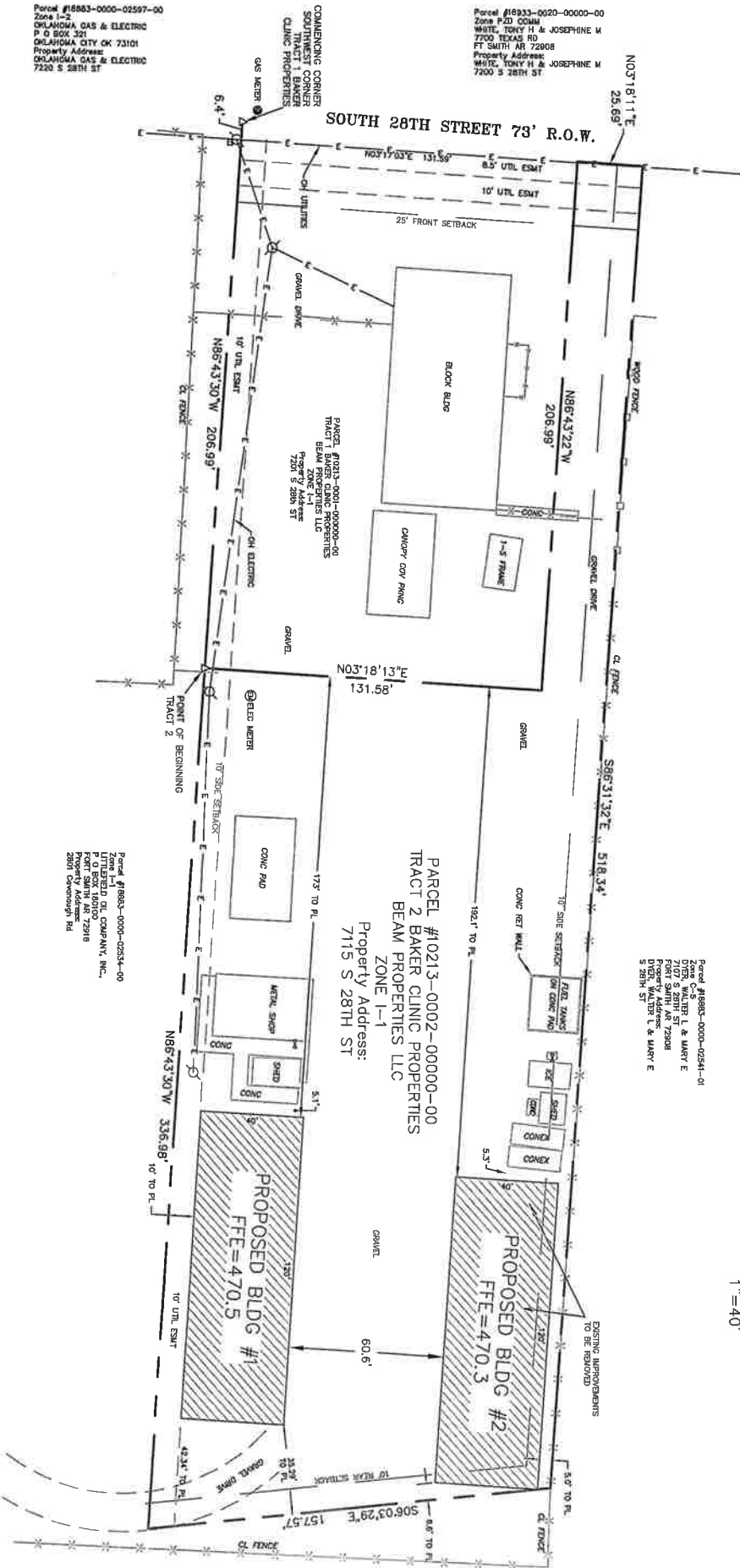
- Fort Smith City Limits
- Zoning
- Subdivisions
- Building Footprints
- Parks



PROPERTY DESCRIPTION:
FROM SITE PLAN, JOB #W01518 BY MICKLE WAGNER COLEMAN, DATED NOVEMBER 2010:

PART OF TRACT 2, BAKER CLINIC PROPERTIES, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS, BEING FILED FOR RECORD SEPTEMBER 27, 2005 AS PLAT 1748C, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF TRACT 1, BAKER CLINIC PROPERTIES; THENCE ALONG THE SOUTH LINE OF SAID TRACT 1, S86°43'30"E, 206.99 FEET TO THE EAST RIGHT-OF-WAY OF SOUTH 28TH STREET; THENCE CONTINUING S86°43'30"E, 206.99 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 1 AND THE POINT OF BEGINNING; THENCE ALONG THE EAST LINE OF SAID TRACT 1, N03°18'13"E, 131.58 FEET TO THE NORTHEAST CORNER OF SAID TRACT 1; THENCE ALONG THE NORTH LINE OF SAID TRACT 1, N86°43'22"W, 206.99 FEET TO THE EAST RIGHT-OF-WAY OF SOUTH 28TH STREET; THENCE ALONG SAID RIGHT-OF-WAY, N03°18'11"E, 25.69 FEET TO A POINT ON THE NORTH LINE OF SAID TRACT 2; THENCE ALONG SAID NORTH LINE, S86°31'32"E, 518.34 FEET TO THE NORTHEAST CORNER OF SAID TRACT 2; THENCE ALONG THE EAST LINE OF SAID TRACT 2, S06°03'29"E, 157.57 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 2; THENCE ALONG THE SOUTH LINE OF SAID TRACT 2, N86°43'30"W, 336.98 FEET TO THE POINT OF BEGINNING, CONTAINING 1.28 ACRES MORE OR LESS.



PROJECT		TR 1 & 2 BAKER CLINIC PROP	
ADDRESS:		7115 SOUTH 28TH STREET FORT SMITH AR 72908	
OWNER:		Steve Beam Construction, Inc. 7201 South 28th Street Fort Smith, AR 72908 PH: (479)484-1634 ~ FX: 484-1657	
DATE:	1/19/2017	SCALE:	1"=40'
BY:	TE	APPROVED:	SB
SBCI PROPOSED BLDG		SHEET:	
SITE PLAN		1 OF 1	

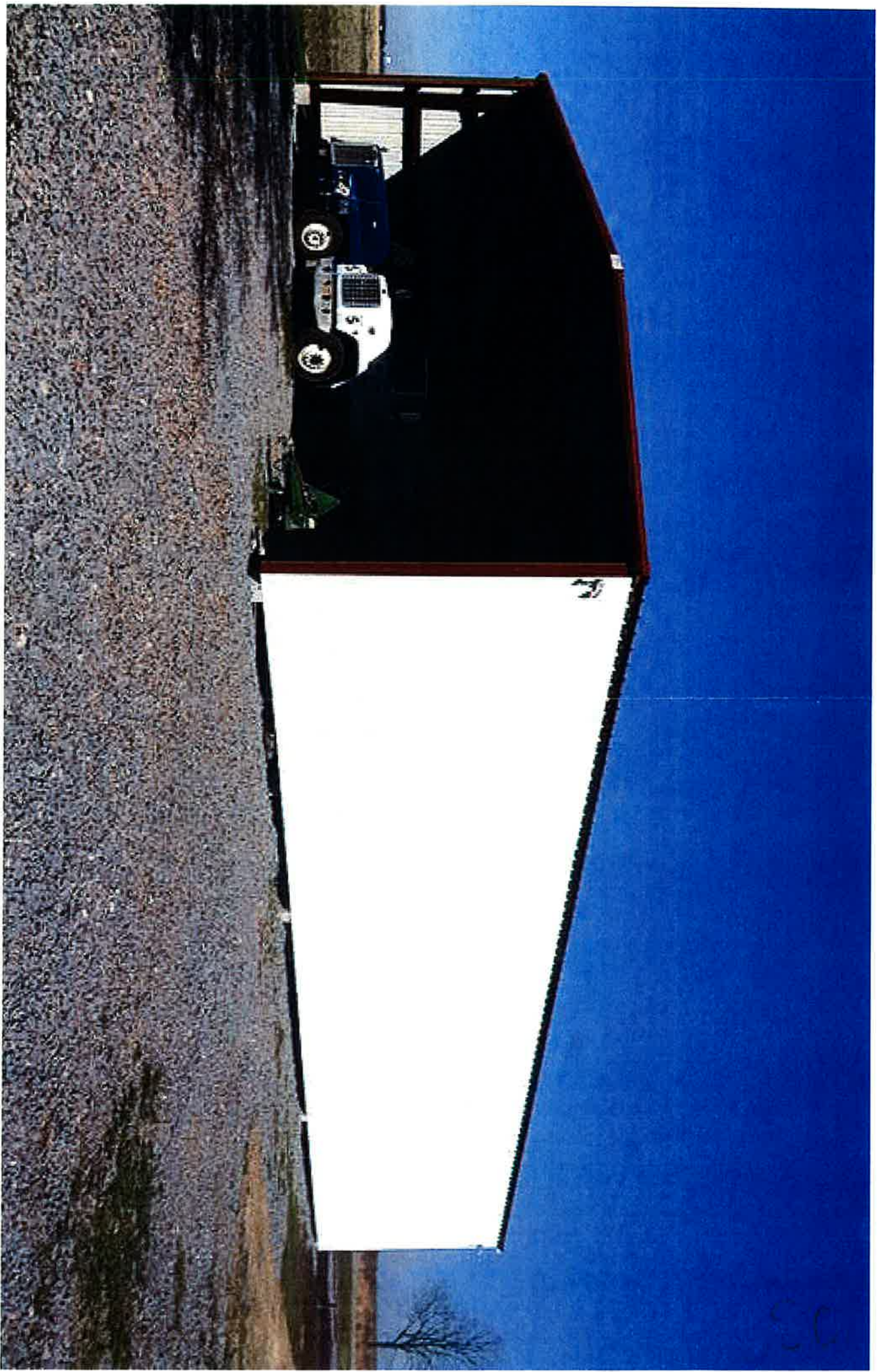
Parcel #18883-0000-02542-00
Zone C-2
FLOYD TRAYLOR MOTOR COMPANY INC
8000 HWY 271 S
FORT SMITH AR 72608
Property Address:
FLOYD TRAYLOR MOTOR COMPANY INC
HWY 71 S

Parcel #18883-0000-02587-00
Zone I-2
OKLAHOMA GAS & ELECTRIC
P O BOX 321
OKLAHOMA CITY OK 73101
Property Address:
OKLAHOMA GAS & ELECTRIC
7220 S 28TH ST

Parcel #18933-0020-00000-00
Zone P-2 COMM
WHITE, TONY H & JOSEPHINE M
7200 TEXAS RD
FT SMITH AR 72608
Property Address:
WHITE, TONY H & JOSEPHINE M
7200 S 28TH ST

Parcel #18883-0000-02544-01
Zone I-2 COMM
DUBS, WALTER L & MARY E
7107 S 28TH ST
FORT SMITH AR 72608
Property Address:
DUBS, WALTER L & MARY E
S 28TH ST

Parcel #18883-0000-02534-00
Zone I-2 COMM
LUTTRELL OIL COMPANY, INC.
P O BOX 18000
FORT SMITH AR 72918
Property Address:
2801 Cornsough Rd



Memo

To: City Planning Commission

From: Planning Staff

Date: January 31, 2017

Re: Variance #5-2-17 - A request by Tim Risley, agent for Didion Enterprises, for Board of Zoning Adjustment consideration of a zoning variance request for driveway separation from two existing driveways from 200 feet to 182 feet located at 4731 Zero Street

REQUESTED VARIANCE

Approval of the variance will allow a shared driveway to be located within 182 feet from two existing adjacent driveways (one to the east and one to the west). The proposed driveway will facilitate the development of a tool and equipment sales and warehouse facility for the Darragh Company. The site will have a shed located at the rear of the structure and 19 parking spaces with a truck dock and turn around.

LOT LOCATION AND SIZE

The subject property is on the north side of Zero Street between Prairie Drive and Highway 45. The tract contains an area of 2 acres with approximately 205 feet of street frontage along Zero Street.

EXISTING ZONING

The existing zoning on this tract is Industrial Light (I-1). Characteristics of this zone are as follows:

Purpose:

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

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Permitted Uses:

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

Conditional Uses:

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 20,000 square feet	Maximum Height - 45 feet (1+1)
	Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres	
	Existing District (By Extension) – 20,000 square feet
Minimum Lot Width – 100 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 10 feet	
Rear Yard Setback - 10 feet	
Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)	
Minimum building separation – to be determined by current City building and fire code.	
Required street access – Major Arterial or higher	

SURROUNDING ZONING AND LAND USE

The area to west is zoned Industrial Light (I-1) and developed as sales of truck and trailer parts and storage containers.

The area to the east is zoned Industrial Light (I-1) and developed as a distribution facility and an HVAC company.

The area to the north is zoned Industrial Moderate (I-2) and is developed as a wholesale distribution warehouse.

The area to the south is zoned Commercial Heavy (C-5) and is developed as mini storage warehouse.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South Zero Street as a Major Arterial.

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MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Office, Research and Industrial. This classification is intended to provide opportunities for clean, indoor, minimum impact, research, development, assembly, manufacturing, warehousing, distribution, and supportive goods and services.

APPLICANT HARDSHIP

According to the applicant, a hardship exists due to the width of the proposed lot for tool and equipment development. The applicant's complete hardship statement enclosed.

NEIGHBORHOOD MEETING

The applicant received a waiver of the requirement to hold a neighborhood meeting in accordance with Section 27-337-5 of the UDO regarding projects having little or no effect on surrounding properties.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

The city engineering department reviewed the variance request and has no objection to the variance and the proposed shared driveway.

If the BZA is inclined to approve the variances, staff recommends approval with the following comment:

Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 (*enclosed*) of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

9C

27-330-7 Amendments to Preliminary Development Plans

Once a preliminary plan has been approved, significant changes may be made only after approval of a revised preliminary development plan. This requires re-submittal of the application through the same procedural requirements of the original application. Changes that are not considered significant pursuant to Section 27-331-7(a) may be approved at the Director's discretion. Disapproval of the changes may be appealed to the Planning Commission.

B. **Criteria.** For the purposes of this section, significant changes shall be determined by the Director. Significant changes shall mean any of the following, provided they are still within the approved standards of the applicable zoning district.

1. Increases in density or intensity of residential uses by more than 5%;
2. Increases in total floor area (entire plan) of all non-residential buildings by more than 5% or 5000 square feet, whichever is less;
3. Increases of lot coverage by more than 5%;
4. Changes to the architectural style that shall make the project inconsistent with previous approvals;
5. Changes in ownership patterns or stages of construction that shall lead to a different development concept;
6. Changes in ownership patterns or stages of construction that shall impose substantially greater volumes on streets and load capacities on public facilities;
7. Decrease of more than 5% to any perimeter setbacks;
8. Decrease of more than 5% in areas devoted to open space or the substantial relocation of such areas;
9. Changes in traffic circulation patterns that will affect traffic outside of the project boundaries;
10. Modification or removal of conditions and stipulations to the preliminary development plan approval; or
11. Modifications that change, amend, or violate the terms of the Comprehensive Plan.

Var. #5-2-17

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

See Attached

Address of property 4731 Zero Street, Existing or Proposed

Zoning Classification I-1, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>

<u>FROM</u>		<u>TO</u>
_____	-	_____ Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____ Exterior Side Yard Setback
_____	-	_____ Interior Side Yard Setback
_____	-	_____ Rear Yard Setback
_____	-	_____ Maximum Height of Structure
_____	-	_____ Minimum Distance Between Structures on the Same Lot
_____	-	_____ Minimum Lot Area (Square Feet)
_____	-	_____ Minimum Lot Frontage
_____	-	_____ Maximum Size of a Sign
<u>200'</u>	-	<u>182'</u> Other: <u>Driveway Separation</u>

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Tim A. Risley

Owner or Agent Name (*please print*)

Owner

(479) 452-2636

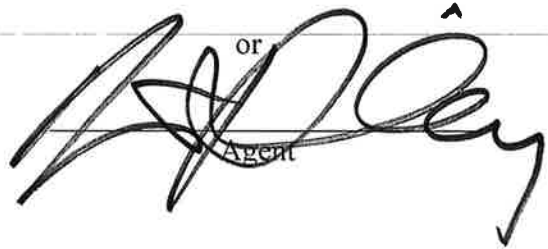
Owner or Agent Phone Number

#1 CON/ARC PLACE

6101 PHOENIX AVE

FORT SMITH, AR 72903

Owner or Agent Mailing Address

or
Agent


Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

Yes

No

 X

Is this variance needed because of previous actions taken by yourself?

 X

Is this variance needed because of previous actions taken by a prior owner?

 X

A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?

 X

Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.

 X

Is the lot of an odd or unusual shape?

 X

Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?

 X

Does the lot contain required easements other than those that might be located on its perimeter?

 X

Is any part of the lot in a flood plain or flood way?

 X

Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?

 X

Is the lot developed with structures in violation of current zoning requirements?

 X

Does the lot front any street classified as an arterial or collector on the Master Street Plan?

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Explanation of question #4 (if applicable)

The existing, over-all property sits on the northside of Zero between Didion's private drives and Trane to the east. The property is 405' wide and Tool Central is taking half. Ordinance requires 200' between driveways. The shared drive is the only reasonable option to allow access to the 405' parcel from Zero Street.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

9H

**TIM A. RISLEY & ASSOCIATES
ARCHITECTS AND PLANNERS**

January 10, 2016

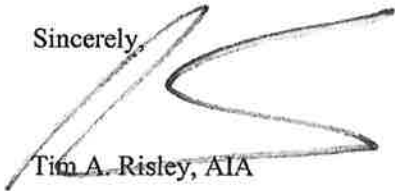
Wally Bailey
City of Fort Smith
P. O. Box 1908
Fort Smith, AR 72902

RE: Darragh - Tool Central
4731 Zero Street
Driveway Separation Variance

Wally,

Please accept this letter as a request to waive the neighborhood meeting on the above referenced project. The driveway separation variance request represents a minor change to the development requirements that shall have inconsequential effects to surrounding properties.

Sincerely,



Tim A. Risley, AIA

TAR/kb

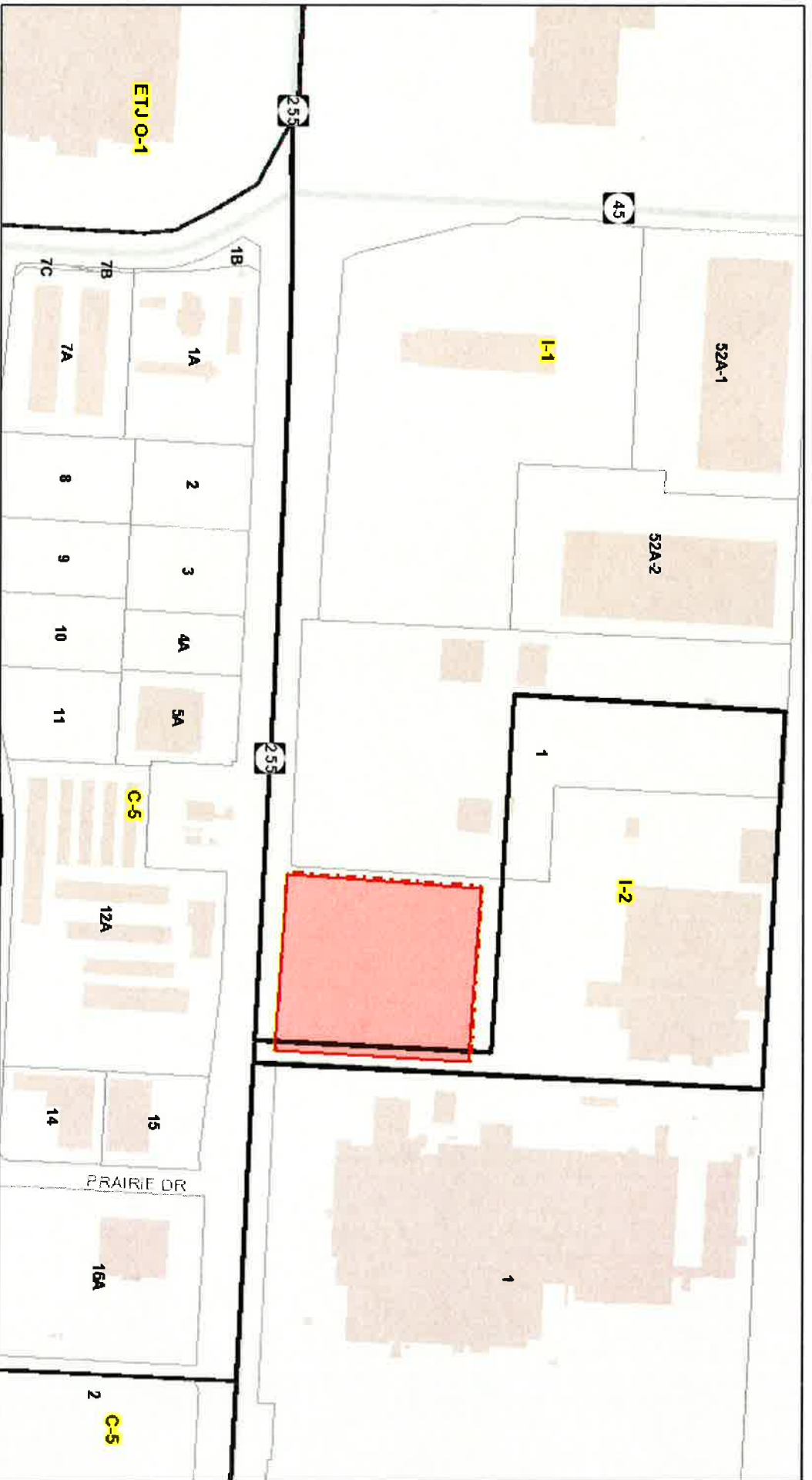
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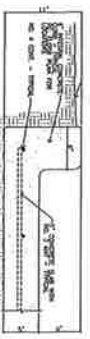
Variance #5-2-17: From 200' to 182" minimum driveway separation 4731 South Zero Street

gk

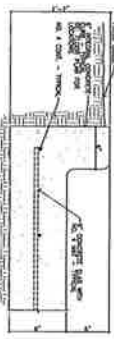


January 23, 2017

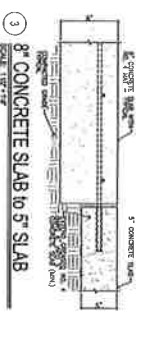
- ☒ Fort Smith City Limits
- ☒ Building Footprints
- ☒ Zoning
- ☒ Parks
- ☐ Subdivisions



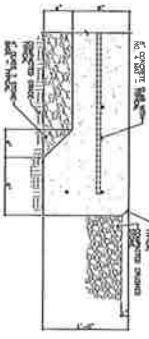
1 NEW INTEGRAL CONCRETE CURB
SCALE: 1/2" = 1'-0"



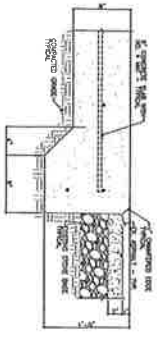
2 INTEGRAL CONCRETE CURB
SCALE: 1/2" = 1'-0"



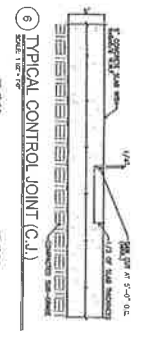
3 8" CONCRETE SLAB TO 5" SLAB
SCALE: 1/2" = 1'-0"



4 PAVING EDGE AT 8" CONCRETE
SCALE: 1/2" = 1'-0"



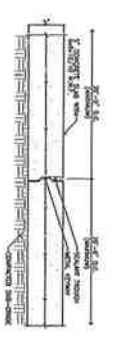
5 SLAB EDGE AT 8" PAVING
SCALE: 1/2" = 1'-0"



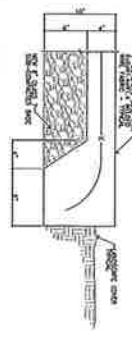
6 TYPICAL CONTROL JOINT (C.J.)
SCALE: 1/2" = 1'-0"



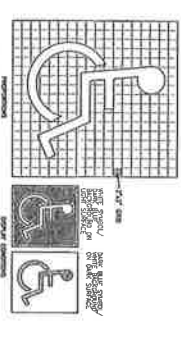
7 TYPICAL EXPANSION JOINT (E.J.)
SCALE: 1/2" = 1'-0"



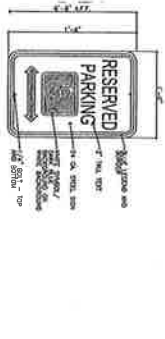
8 TYPICAL KEYED JOINT (K.J.)
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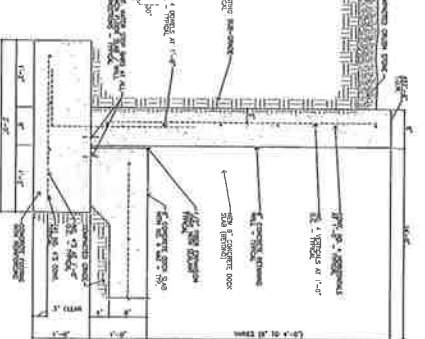
9 CONCRETE WALK / PLANTER
SCALE: 1/2" = 1'-0"



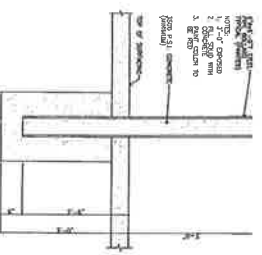
10 SYMBOLS AT HANDICAP PARKING
SCALE: 1/2" = 1'-0"



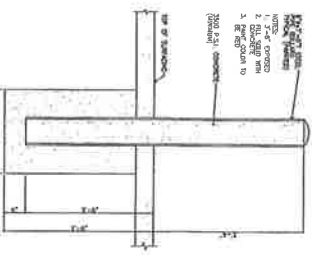
11 TYPICAL HANDICAP SIGN
SCALE: 1/2" = 1'-0"



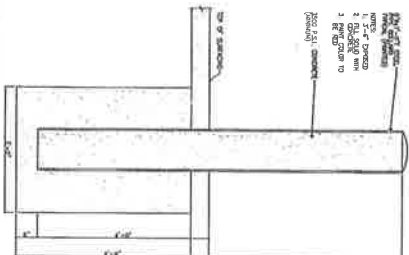
12 SECTION AT RETAINING WALL, AT TRUCK WELL
SCALE: 1/2" = 1'-0"



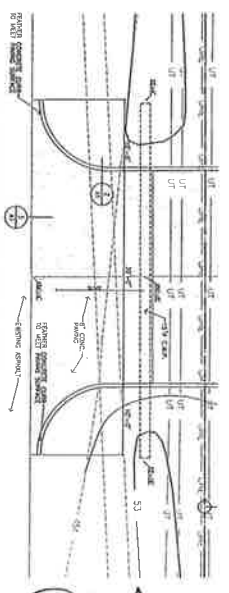
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SCALE: 1/2" = 1'-0"



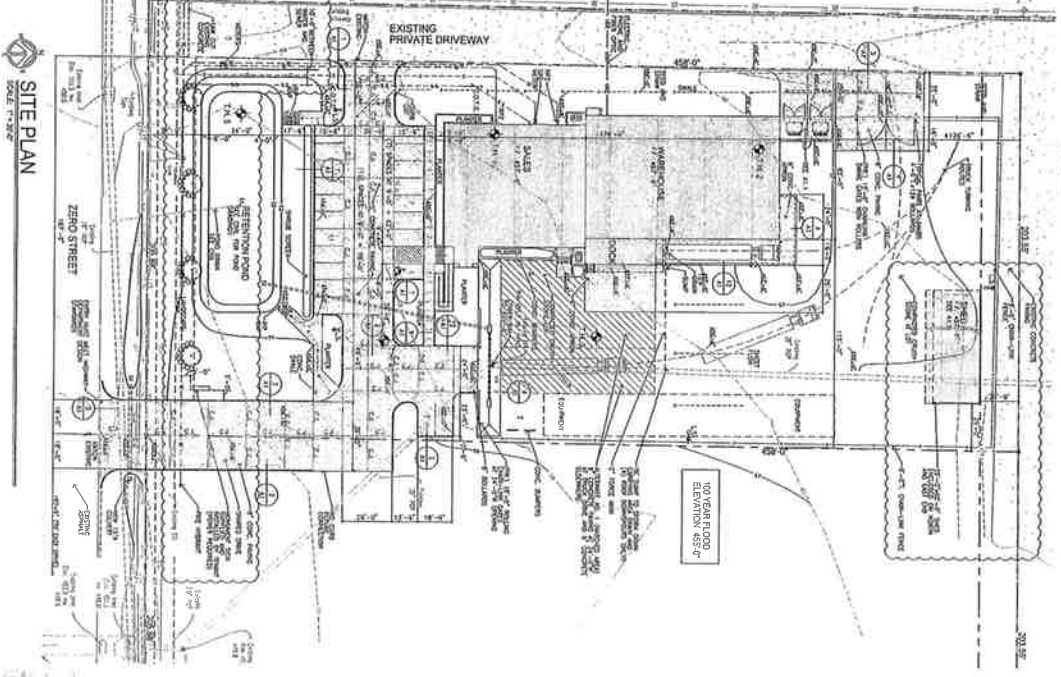
14 8" PIPE BOLLARD
SCALE: 1/2" = 1'-0"



15 12" PIPE BOLLARD
SCALE: 1/2" = 1'-0"



STATE HIGHWAY ENTRY ENLARGEMENT
SCALE: 1" = 100'



SITE PLAN
SCALE: 1" = 100'



DARRAGH COMPANY

TOOL CENTRAL

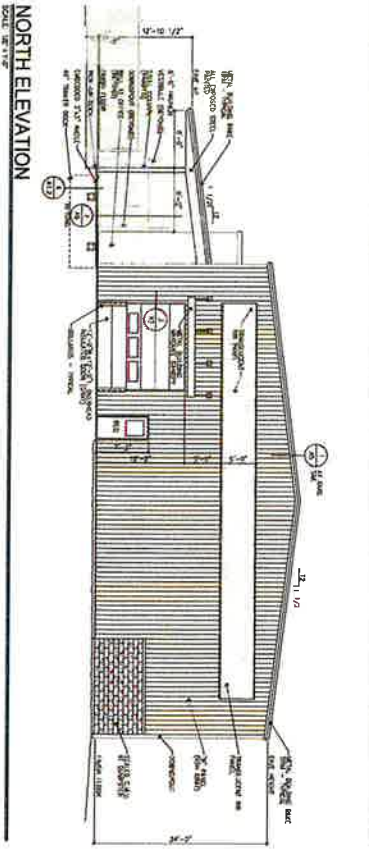
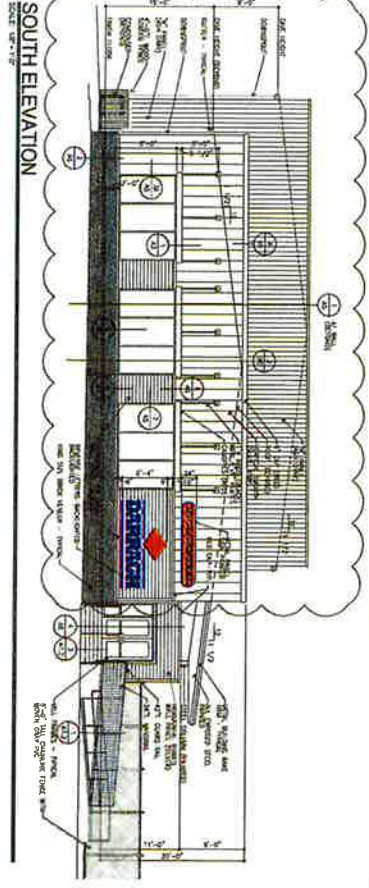
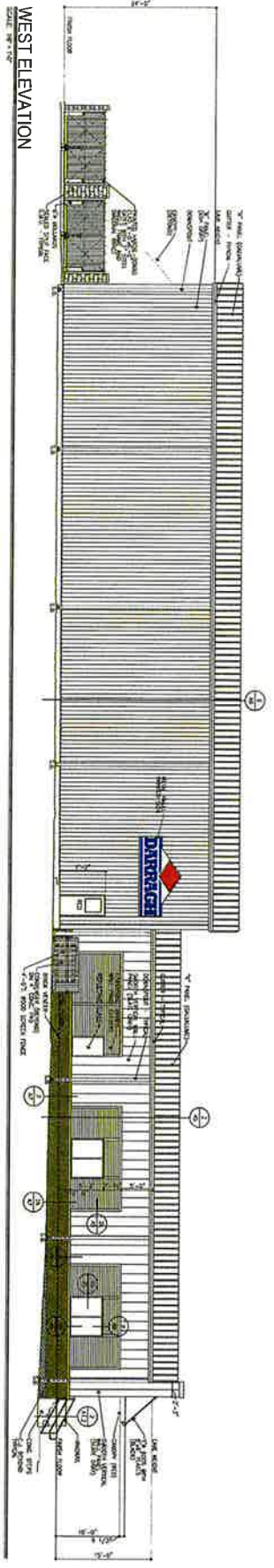
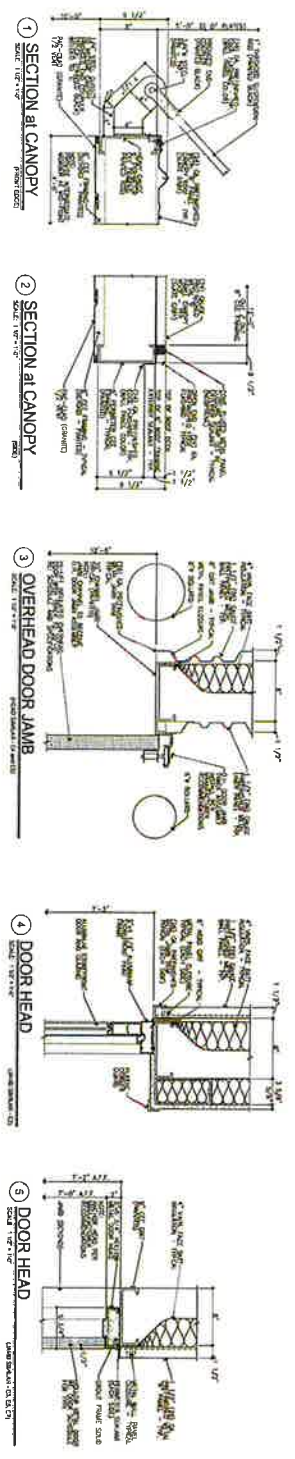
FORT SMITH ARKANSAS

TIM A. RISLEY & ASSOCIATES

ARCHITECTS AND PLANNERS

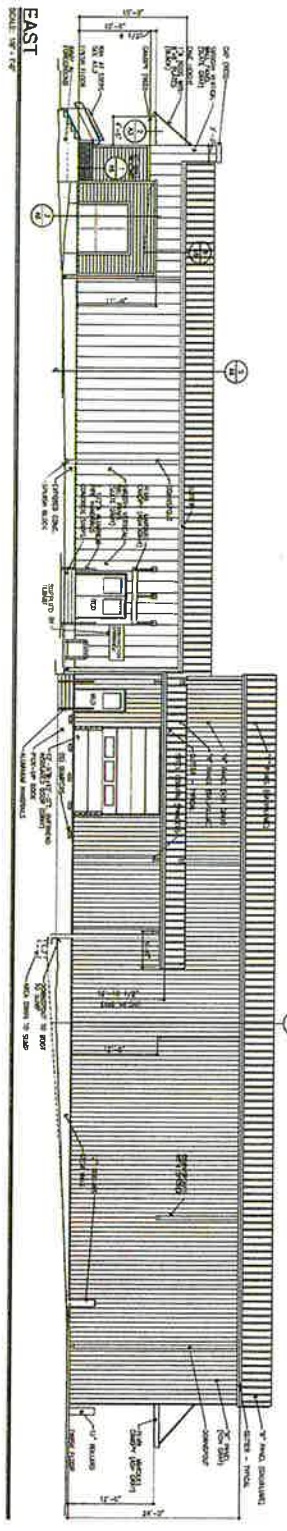
#1 CON/ARC PLACE • 6101 PHOENIX • FORT SMITH, ARKANSAS • 72003
PHONE • 479-452-2836 • FAX • 479-452-3825 • EMAIL • info@risley-associates.com





COLORS/MATERIALS LEGEND

DESCRIPTION	COLOR/MATERIAL
PAINTS	1. 1/2" - 1/2" (DARRAGH)
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PAINTS	100. 1/2" - 1/2" (DARRAGH)



Variance

Memo

To: City Planning Commission

From: Planning Staff

Date: January 30, 2017

Re: Variance #6-2-17 - A request by George Darvu, owner, for Board of Zoning Adjustment consideration of a zoning variance request from 5' to 1.6' interior side yard setback at 3220 Russell Street

REQUESTED VARIANCE

Approval of the variance will allow an existing accessory building that was constructed without a building permit to have an interior side yard setback of 1.6 feet.

LOT LOCATION AND SIZE

The subject property is on the south side of Russell Street just west of North 33rd Street. The tract contains an area of 0.15 acres with approximately 50 feet of street frontage along Russell Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

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Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

All areas surrounding this property are zoned Residential Multifamily Medium Density (RM-3) and developed as single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Russell Street as a Local Road.

MASTER LAND USE PLAN COMPLIANCE

The Master Land Use Plan classifies the site as Residential Detached. This classification is to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

APPLICANT HARDSHIP

The applicant states that it would be difficult and costly to undue the project. The applicant also states there is an old large tree near the side of the building. The applicant's complete hardship statement is enclosed.

NEIGHBORHOOD MEETING

A neighborhood meeting was held Friday, February 3, 2017, at 3220 Russell Street. No neighboring property owners attended the meeting.

GRANTING OF A VARIANCE

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the

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granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

On January 8, 2016, a city building inspector noticed the newly constructed building. No inspections have been made by the building department, but the inspector indicated that the building appeared to have plumbing and electricity connected to it.

If the BZA is inclined to approve the variance, staff recommends the following comment:

Construction must comply with the submitted development plan and all applicable construction codes. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-330-7 (*enclosed*) of the UDO. Any changes greater than those described in this section will require Planning Commission approval.

27-330-7 Amendments to Preliminary Development Plans

Once a preliminary plan has been approved, significant changes may be made only after approval of a revised preliminary development plan. This requires re-submittal of the application through the same procedural requirements of the original application. Changes that are not considered significant pursuant to Section 27-331-7(a) may be approved at the Director's discretion. Disapproval of the changes may be appealed to the Planning Commission.

B. **Criteria.** For the purposes of this section, significant changes shall be determined by the Director. Significant changes shall mean any of the following, provided they are still within the approved standards of the applicable zoning district.

1. Increases in density or intensity of residential uses by more than 5%;
2. Increases in total floor area (entire plan) of all non-residential buildings by more than 5% or 5000 square feet, whichever is less;
3. Increases of lot coverage by more than 5%;
4. Changes to the architectural style that shall make the project inconsistent with previous approvals;
5. Changes in ownership patterns or stages of construction that shall lead to a different development concept;
6. Changes in ownership patterns or stages of construction that shall impose substantially greater volumes on streets and load capacities on public facilities;
7. Decrease of more than 5% to any perimeter setbacks;
8. Decrease of more than 5% in areas devoted to open space or the substantial relocation of such areas;
9. Changes in traffic circulation patterns that will affect traffic outside of the project boundaries;
10. Modification or removal of conditions and stipulations to the preliminary development plan approval; or
11. Modifications that change, amend, or violate the terms of the Comprehensive Plan.

Var #6-2-17

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 3220 Russell St, Existing or Proposed

Zoning Classification RH-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

<u>Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship</u>	

FROM

TO

	-		Front Yard Setback or Minimum Distance from Right-of-Way
	-		Exterior Side Yard Setback
<u>5.0</u>	-	<u>1.6</u>	Interior Side Yard Setback
	-		Rear Yard Setback
	-		Maximum Height of Structure
	-		Minimum Distance Between Structures on the Same Lot
	-		Minimum Lot Area (Square Feet)
	-		Minimum Lot Frontage
	-		Maximum Size of a Sign
	-		Other: <u> </u>

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

10E

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

GEORGE PARVU
Owner or Agent Name *(please print)*

918-718-1863
Owner or Agent Phone Number

3220 Russell St.
Owner or Agent Mailing Address
Fort Smith, AR
72904

Signed:


Owner

or

Agent

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u>✓</u>	<u> </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u>✓</u>	Is this variance needed because of previous actions taken by a prior owner?
<u>✓</u>	<u> </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u>✓</u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, <u>setbacks</u> , yard requirements, or building height)? If yes, please explain on the following page. <i>Existing large tree</i>
<u> </u>	<u>✓</u>	Is the lot of an odd or unusual shape?
<u> </u>	<u>✓</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> </u>	<u>✓</u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u>✓</u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u>✓</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u>✓</u>	<u> </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> </u>	<u>✓</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

Grandfather setbacks

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

It will be difficult and costly to undue the project, because the structure is very well built and also a very large old tree is present near the building.

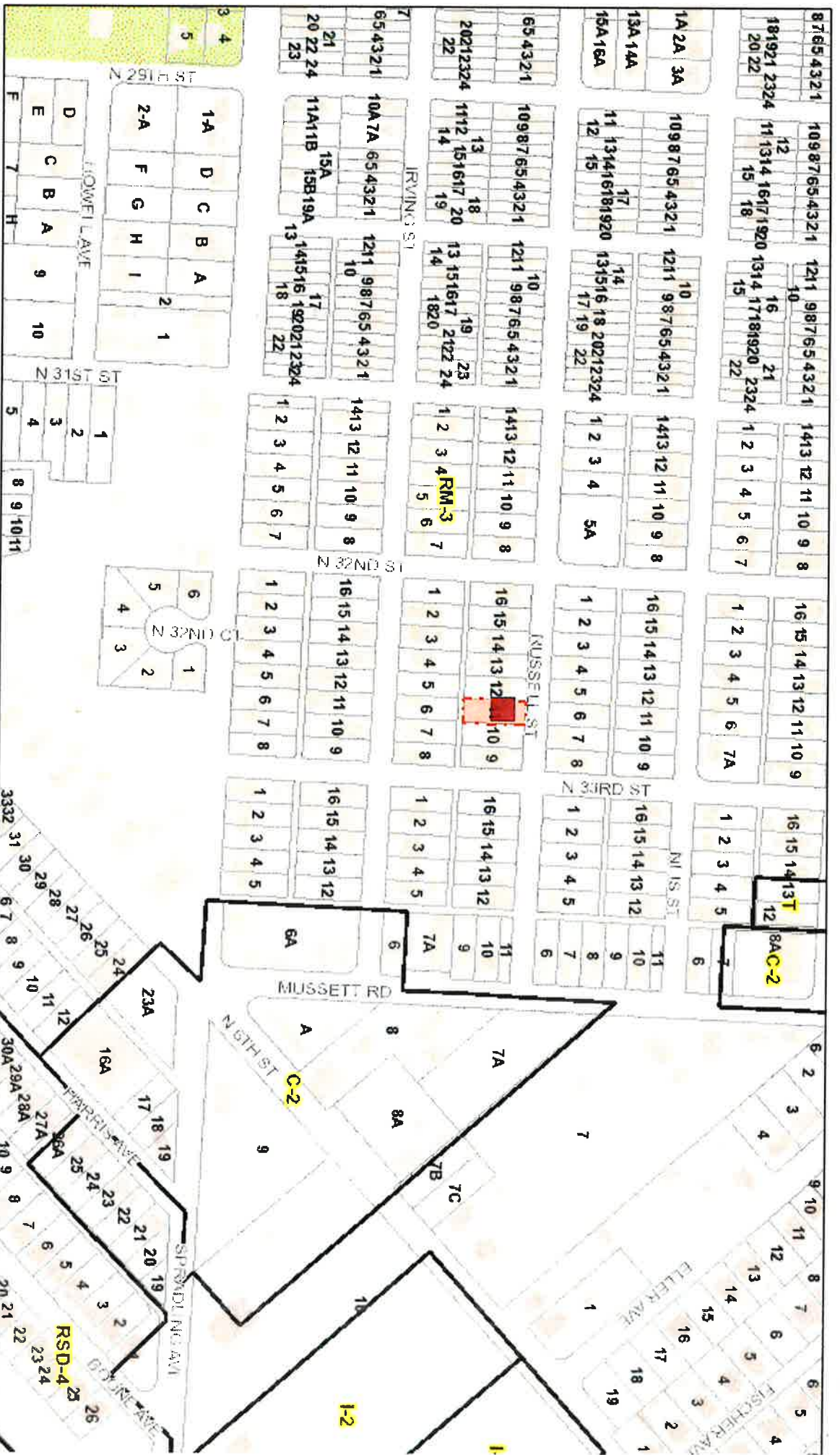
3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Years ago we have learn that if we built property fences or portable building, we don't need a permit. Since then, the laws have changed. We ask the city to consider the variance request as minor change to the development requierments that shall have little or no effect on the sourrounding properties.

10H

Variance #6-2-17: From 5' to 1.6' interior side yard setback 3220 Russell Street

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January 25, 2017

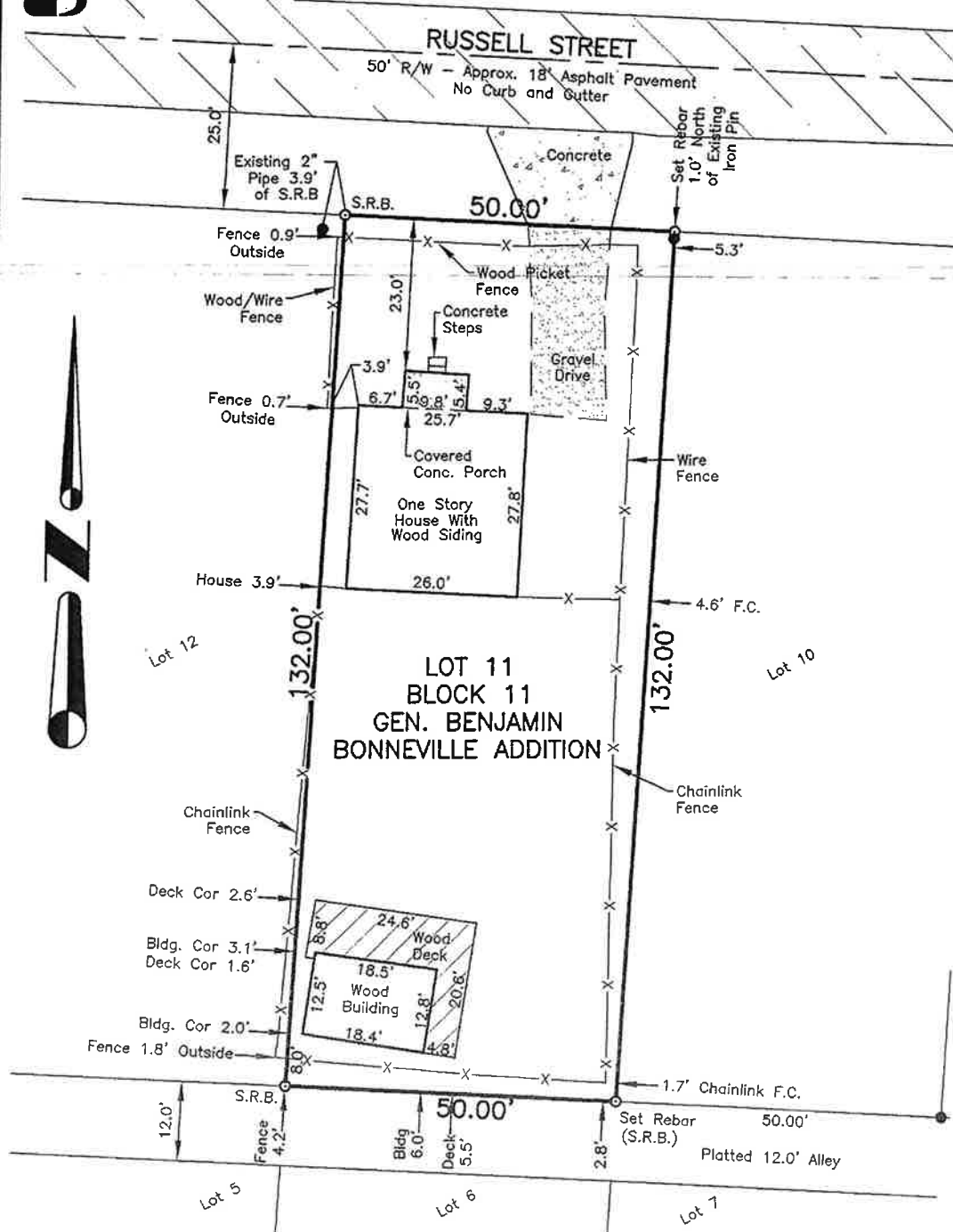
- ☒ Fort Smith City Limits
- ☒ Zoning
- ☒ Subdivisions
- ☒ Building Footprints
- ☒ Parks





Brixey Engineering & Land Surveying, Inc.

Land Surveyors - Consulting Engineers
P.O. Box 6180 Ft. Smith, Ark. 72806 (479)646-6394



I, Ronald N. Brixey, a registered land surveyor in and for the State of Arkansas, do hereby certify to the title attorney, title underwriter or abstract company that this is a true and correct plat to the best of my knowledge of a survey of Lot 11 Block 11 General Benjamin Bonneville Addition, also known as 3220 Russell Street, Fort Smith, Sebastian County, Arkansas. That said plat correctly shows the location of all buildings, structures, fences and improvements on said described property and that there are no party walls, visible rights of way, easements or visible encroachments except as shown on said plat of survey.

NOTE: From the Flood Insurance Rate Map for Sebastian County, Arkansas and Incorporated Areas Map No. 05131C0020E Effective on 05/20/2010, this property does not lie in a designated Flood Hazard Area.

Scale: 1" = 20'

Drawn By: TMC

Job No. 17-0006

Date: 01/16/2017

Prepared For: George Parvu

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Any unauthorized use of this drawing or data by others is at the sole risk of the user. Brixey Engineering & Land Surveying Inc. shall be held harmless and without liability from claims, costs or damages of any nature including costs of defense arising from improper use of this drawing or data, or by another party.

File Name: g:\survey\17-0006\17-0006.dwg.dwg



105

Large tree in backyard

Legend
3220 Russell St

3220 Russell St

